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AGENDA

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| Committee | DEMOCRATIC SERVICES COMMITTEE |
| Date and Time of Meeting | MONDAY, 13 NOVEMBER 2023, 4.00 PM |
| Venue | CR 4, COUNTY HALL - MULTI LOCATION MEETING |
| Membership | Councillor Lancaster (Chair) Councillors Ash-Edwards, Carter, Davies, Derbyshire, Goodway, Lay, Palmer, Jackie Parry, Simmons and Thomson |

1 Appointment of Chair and Committee Membership

The Council, at its annual meeting on 25 May 2023 appointed Councillor John Lancaster as Chairperson and the following Members to the Committee:

Councillors Lancaster, Ash-Edwards, Carter, Davies, Derbyshire, Goodway, Lay, Palmer, Parry, Simmons and Thomson.

There is currently one vacancy.

2 Terms of Reference

The Council, at its annual meeting on 25 May 2023 agreed the following terms of reference:

- To carry out the Local Authority's function of designating the Head of Democratic Services;
- To keep under review the adequacy of provision of staff, accommodation, and other resources made available to discharge the democratic services functions of the Authority;
- To make reports, at least annually, to the full Council in relation to these matters.

3 Apologies for Absence

To receive apologies for absence.

4 Declarations of Interest

To be made at the start of the agenda item in question, in accordance with the Members' Code of Conduct.

5 Minutes *(Pages 3 - 8)*

To approve as a correct record the minutes of the previous meeting on 6 February 2023.

6 Welsh Government Statutory and Non-Statutory Guidance for Principal Councils in Wales *(Pages 9 - 208)*

7 Consultation - Welsh Local Government Association (WLGA) Charter Self-Assessment Framework *(Pages 209 - 220)*

8 Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2024 - 2025 *(Pages 221 - 236)*

9 Multi-Location Meeting Update *(Pages 237 - 264)*

10 Member Development Programme Update *(Pages 265 - 294)*

11 Member Enquiries Service Update *(Pages 295 - 302)*

12 Democratic Services Activities and Service Support *(Pages 303 - 310)*

13 Democratic Services Forward Work Programme *(Pages 311 - 314)*

14 Urgent Items (if any)

15 Date of Next Meeting

The date of the next meeting of the Committee is at 4.00 pm on Monday 22 January 2024.

D Marles

Interim Monitoring Officer

Date: Tuesday, 7 November 2023

Contact: Kate Rees,

029 20872427, KRees@cardiff.gov.uk

DEMOCRATIC SERVICES COMMITTEE

6 FEBRUARY 2023

Present: Councillor Cowan(Chairperson)
Councillors Ash-Edwards, Davies, Derbyshire, Goodway,
Naughton, Palmer, Jackie Parry, Simmons and Thomson

55 : APOLOGIES FOR ABSENCE

Apologies were received from Cllr Lay. Cllr Davies indicated that he would be late joining the meeting.

Members were advised that there was a vacancy on the Committee as Cllr McEvoy had resigned from the Committee due to other commitments. Cllr McEvoy has indicated that he would reconsider whether he is able to rejoin the Committee following the Council meeting in May.

56 : DECLARATIONS OF INTEREST

No declarations of interest were received in accordance with the Members' Code of Conduct.

57 : MINUTES

To minutes of the meeting held on 28 November 2022 were approved by the Committee as a correct record and were signed by the Chairperson.

58 : MEMBER INDUCTION UPDATE

The Committee was provided with an update on the progress of Member induction following the Local Government Elections in 2022. Members were advised that updated figures on the number of Members that have completed mandatory training modules would be provided in the Annual Report. Officers receive weekly updates on mandatory training sessions completed and provide the information to Group Whips.

Members were advised that the response to an online feedback survey on mandatory training was low.

Members were invited to ask questions or make observations, which are summarised as follows:

- Members sought clarification on whether members need to have completed finance training in order to vote on the Budget. Officers advised that finance training was not designated as mandatory as there was no legal or constitutional requirement for members to complete it. Additional training will be provided on the Budget process and is recommended for Members who have not been through the process before.
- Members expressed surprise and disappointment that the level of completion of mandatory training was still not 100%, and expressed the view that a

message should be sent to Cllrs regarding their duty to attend, with a follow-up letter to be sent to the Standards and Ethics Committee. Officers advised that Group Whips are being apprised of the situation.

- Members suggested that clearer information be provided to Cllrs about the duration of the Marketplace event. Officers advised that it had been suggested that the stalls be available at a later date, and this would be examined.
- Members proposed that there ought in future to be training on Modern.gov or its equivalent for new Members. Officers advised that integrating training on Modern.gov with training on the conference system or Members Enquiry System could be examined.
- Members discussed the possibility of conducting surveys using the Microsoft Teams survey tool during training sessions. Officers advised that this could be examined. A simple poll could be conducted through the Chat function, and this could be trialled.
- Members suggested that Cllrs be reminded that their Council Tax payments need to be up to date in order for them to be able to vote on the Budget. Officers advised that Members would not be able to participate in the Budget meeting if their payments were not up to date. Officers check with Finance whether Cllrs are behind with payments, and follow up with Cllrs if they are.
- Members discussed how to improve awareness of the induction process among candidates prior to election. The suggestion was made that information on the process be circulated earlier, before or shortly after the Christmas period prior to the election. Members suggested that the information be made available on the Council website and advertised on social media, in order to reach independent candidates and candidates from parties not represented on the Council. This should be done in the September prior to the election. Officers advised that the induction planning should begin at the beginning of 2026 so that the information can be presented on the website before the end of the year. Officers advised that the Member Development portals will be examined to improve public engagement. These could then be used to publicise information on induction.

RESOLVED:

- 1 To note the content of the report
- 2 To assist the Head of Democratic Services to identify opportunities to:
 - a. Improve awareness of the induction process to candidates standing for election;
 - b. Achieve a higher level of evaluation form responses for any training event.

59 : DEMOGRAPHIC PROFILE SURVEY

The Committee was provided with an update on the outcome of the Demographic Profile survey, also known as the Diversity survey, undertaken following the Election

in 2022; and a comparison with a similar survey undertaken in the 2017- 2022 administration prior to the election.

Members were advised that there had been an increase in female respondents; a reduction in Members aged over 65; a reduction in married Members; and an increase in Members who do not regard themselves as belonging to a religion. The percentage of Members from a BAME background is lower than in the Cardiff population. Compared to the previous administration, there is a higher proportion of Members whose first language is Welsh, and of Members with Welsh language skills.

It is expected there will be exit survey in 2026-27, with questions from Democratic Services Committee and Standards and Ethics Committee. The latter committee is looking at conducting a survey in 2024 that will include questions on inappropriate behaviour.

Members were invited to ask questions or make observations, which are summarised as follows:

- Members suggested that future surveys should include an option in the marital status section for Members who are in a relationship but not cohabiting.
- Members wondered whether newly elected Members were unaware of the opportunities to learn Welsh provided by the Council. Officers advised that Members had been made aware of the free courses.
- Members discussed the younger age profile of the Council and the fact that two thirds of Members work full or part-time. It was suggested that the timing and scheduling of meetings ought to be adjusted to reflect this. Officers advised that the calendar of meetings for 2023-24 was in preparation. Most meetings begin at 4.30pm or later, with only meetings of regulatory committees, such as Licensing, Planning and Public Protection, taking place during the day.

RESOLVED:

1. To note the information set out in the report and Appendix A.
2. To approve that a review of the questions of future surveys within the remit of the Democratic Services Committee be undertaken.
3. To approve that a survey to support the remits of both the Democratic Services Committee and the Standards and Ethics Committee be developed for delivery early in 2024.

60 : DEMOCRATIC SERVICES ANNUAL REPORT 2022

The Committee was provided with an outline of the report, which detailed the work of the Democratic Services Team during 2022, including Member induction, opening Scrutiny to greater public engagement, and webcasting.

Members were advised that the team is understaffed by 1 Grade 4 post. Recruitment for an additional Grade 6 post will get underway shortly.

Members were invited to ask questions or make observations, which are summarised as follows:

- Members expressed their gratitude to the Democratic Services Team for their hard work over the year, and praised the level of detail in the report.
- Members suggested that a video to accompany the report be prepared, to encourage people to learn more about the work of the Democratic Services Team and Committee.

RESOLVED:

1. To delegate authority to the Head of Democratic Services, in consultation with the Chair of the Committee, to finalise the Annual Report, having regard to comments provided by Members of the Committee; and
2. To agree that the Annual Report be presented to full Council by the Chair of the Committee.

61 : ACTIVITIES & SERVICE SUPPORT

The Committee was provided with an update on the performance of the Council's Democratic Services since the last meeting on 28 November 2022, which included information on an upgrade to the EasyConf conferencing system; the Member Enquiries System; and Member development.

Members were invited to ask questions or make observations, which are summarised as follows:

- Members discussed whether it would be appropriate to increase the response time for answering Member enquiries from 10 to 15 working days for routine enquiries, with a shorter window for urgent enquiries. The view was expressed that the response time for urgent enquiries should be 1 week. Officers advised that they would bring back a definition of what is an urgent enquiry to the next meeting, and consult with Senior Officers on whether a 1-week response time was achievable.

RESOLVED:

To note the report.

62 : FORWARD WORK PROGRAMME

Gary Jones, Head of Democratic Services, provided Members with an update on topics for inclusion in the Committee's Forward Work Programme.

RESOLVED:

To approve the Committee's Forward Work Programme.

63 : URGENT ITEMS (IF ANY)

No urgent items were received.

64 : DATE OF NEXT MEETING

The date of the next meeting is to be confirmed.

The meeting terminated at 5.15 pm

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REPORT OF THE HEAD OF DEMOCRATIC SERVICES

WELSH GOVERNMENT STATUTORY AND NON-STATUTORY GUIDANCE FOR PRINCIPAL COUNCILS IN WALES

Reason for this Report

1. To inform the Committee of the Welsh Government's Statutory and Non-Statutory Guidance for Principal Councils in Wales (the 'Democracy Handbook'), issued in June 2023 and attached at **Appendix A**.
2. The finalised guidance includes updated guidance under the Local Government (Wales) Measure 2011 for the Democratic Services Committee as well as new guidance on the democracy provisions introduced by the Local Government and Elections (Wales) Act 2021.

Background

3. The Local Government (Wales) Measure 2011 introduced the requirement for each principal council to:
 - designate one of their officers to the new statutory post of "Head of Democratic Services" (HDS) and provide that officer with sufficient support to do their job.
 - establish a Democratic Services committee to perform the following roles:
 - carry out the local authority's function of designating the HDS;
 - keep under review the provision of staff, accommodation and other resources made available to the HDS, in order to ensure that it is adequate for the responsibilities of the post;
 - make reports to the full council in relation to these matters.
4. The latest Statutory and Non-Statutory Guidance for Principal Councils in Wales includes:
 - Part 2 Guidance for elected members' support, training and development
 - Part 3 Guidance on public participation strategies and petition schemes
 - Part 4 Guidance on constitutions, executives, scrutiny, governance and audit committees and conducting meetings.

5. The remit of the Democratic Services Committee does not cover all aspects of the guidance but the relevant sections are covered in more depth within this report. Other committees will receive briefings or updates on the guidance which is within their remits.

Issues

6. The published guidance largely reflects the same provisions that were included within the Welsh Government Consultation draft guidance previously considered by the Committee at its meeting in September 2022.

Democratic Services Committee (DSC)

7. This statutory guidance for Democratic Services Committees was made under Sections 8 (1A) and 16 of the Local Government (Wales) Measure 2011 (the Measure). This guidance replaces previous guidance issued in 2012 and provides assistance to principal councils in the effective running of their Democratic Services Committees. The changes to the guidance are summarised at **Appendix B** with the key changes being identified in bold.
8. The guidance identifies the importance of ensuring that those councillors outside the executive leadership have the support and resources to fulfil their duties and play a full role in the operation of the local authority. This is considered as critical to good governance and enabling the council to demonstrate it is effectively supporting and resourcing scrutiny as part of its duties relating to keeping performance under review and consulting local people on performance.
9. It is also considered as critical to enable both scrutiny and elected members in their representational role to engage with the public thus contributing to meeting the duties in relation to encouraging local people to participate in decision making and participation strategies.
10. The membership of the DSC has been updated to reflect that when making appointments to the Committee the Council cannot include more than one member of the executive **or assistant to the executive**. Any executive member must not be the council leader.
11. Whilst it is the function of the DSC to consider, and make recommendations as to, the adequacy of the provision of staff, accommodation and other resources for the exercise of the functions which fall to the Head of Democratic Services (HDS), the guidance now indicates that in considering the DSC's recommendations the council should take into account the contribution the work of the HDS and the DSC make to the good governance and effective democratic accountability of the council, including its:
 - contribution this work makes to the council meeting its duties relating to the duty to encourage local people to participate in decision making
 - strategy on public participation
 - contribution to keep its performance under review and consult with local people on performance.

- members are adequately supported and trained, that scrutiny is adequately resourced and committees have access to high quality analysis and information is a cost of effective democracy.
12. The guidance also notes that councils will have competing pressures for resources, including for essential front line and statutory services, and careful consideration of cumulative impacts of resourcing erosion or reductions in relation to democratic services should therefore be part of considerations on the DSC Committee's report.
 13. The updated guidance has already been implemented by this Authority in respect of the Democratic Services Committee.

Timing Of Council (including Committee) Meetings

14. This statutory Guidance was made under Section 6 of the Local Government (Wales) Measure 2011 (the Measure). By virtue of section 6 (2) of the Measure, local authorities must have regard to this guidance in respect of the times and intervals at which meetings of a local authority are held. The relevant meetings in the context of this guidance are meetings of the full council and any committee or sub-committee of the council. The changes to the previous guidance are summarised at **Appendix C** with the key changes being identified in bold.
15. The updated guidance confirms that Councils should survey their members to assess preferences in relation to meeting times, frequency and length at least once in every term and states that this survey should be carried out within six months of the ordinary local government elections, which has already been implemented as part of the initial induction process in 2022 in respect of the timings of Council meetings. The guidance also advises Councils to consider increasing the frequency of surveys to accommodate changes in circumstances and that it is for each authority to decide on the regularity of such surveys. The Democratic Services Committee may wish to consider when an additional survey of meeting timings should be undertaken to ensure that the calendar of meetings does not adversely affect the attendance of Elected Members at scheduled meetings.

Training, Development and Support for Local Authority Members

16. The statutory guidance is made under Section 7(4) of the Local Government (Wales) Measure 2011 and a local authority must have regard to it. Also, under Section 38 of the Local Government Act 2000, as amended by section 45 of the Local Government and Elections (Wales) Act 2021, a local authority elected mayor or an executive leader must have regard to it; and under Section 71 of the Government of Wales Act 2006. The changes to the previous guidance are summarised at **Appendix D** with the key changes being identified in bold.
17. Section 7 of the 2011 Measure requires local authorities to secure the provision of reasonable training and development opportunities for its members but does not define what constitutes reasonable training and development opportunities for these purposes. The updated guidance notes that the role of councillors is constantly evolving as legislation changes, for example, the new duties on councils to encourage the public to participate in decision making. Likewise, the social and environmental context in which councillors undertake their roles is constantly changing.

18. The guidance states that it is essential that councils do not have a static view of what constitutes reasonable training and development needs, and this should be kept under review by the Democratic Services Committee to ensure it reflects legislative changes and the needs of members. It is not sufficient to offer a package of training to a member immediately on their election and take a position that is sufficient to support them for the whole of their term.
19. Under section 7 of the 2011 Measure, every local authority member, other than an executive leader, must be offered the opportunity to have their training and development needs reviewed on an annual basis. The updated guidance outlines good practice in this regard. The processes for providing Annual Review's and mentoring for members in Cardiff are currently being reviewed and a further report will be provided to the committee on this in due course.

Research Support and Services for Councillors

20. This is statutory guidance issued under section 8(1A) of the Local Government (Wales) Measure 2011, as introduced by the Local Government and Elections (Wales) Act 2021. This section enables the Welsh Ministers to issue guidance to which a local authority must have regard when exercising its functions in respect of providing the Head of Democratic Services (HDS) with the staff, accommodation and other resources which are, in its opinion, sufficient for the HDS to discharge their functions.
21. The previous guidance on staff and resources for democratic services has been expanded to make detailed provision for research support and services for councillors, as shown at **Appendix E**.
22. The guidance identifies that in order to undertake their roles effectively all elected members should be able to access a range of information and support. It is anticipated this will mainly focus on signposting individual members to existing sources of information or available training for example, brief prepared for scrutiny committee meetings or how to use research, statistical or legislative websites. It may also include targeted support for groups of members for example, leading a task and finish group investigation or support for individual members to research issues impacting on their communities. This support is currently provided through the use of the Committee and Members Services and the research support provided to the Scrutiny Committees by the Principal Research Officer. Additional information is becoming more widely available to Elected Members including access to the Corporate Plan Dashboard and ward level census data being shared by Data Cymru.
23. The guidance states that the Democratic Services Committee should advise on the nature and level of support for research by elected members that is suitable for their Council and the level of resources that the Head of Democratic Services might require to provide a sufficient set of services in this regard. The guidance also states that Councils should, through their Democratic Services Committee, put in place a protocol or other set of rules governing how councillors should expect to be able to access and use research services, to ensure that it is accessible to all councillors and that it is used equitably and proportionately. This should dovetail with the Democratic Services Committee's oversight of the overall resourcing available for democratic services in an authority. As such, the guidance indicates that councils should:

- Frame councillor access to information procedure rules expansively – with a presumption in favour of the release of information to councillors unless a clear public policy reason exists not to;
 - Proactively provide councillors with management information and other data to ensure that they are kept informed about the business of the authority. Councils could produce an information bulletin or digest for councillors on a regular basis – subject to resources as suggested above;
 - Engage with members to better understand how and where their roles will require that they access certain information sources, and support them to gain that access. This may include negotiation with partners, and others who may hold information relevant to councillors’ roles;
 - Ensure mechanisms are in place to protect personal data in line with appropriate legislation.
24. The expanded guidance states that the Democratic Services Committee should consider the provision of this kind of support to elected members as part of its considerations as to what constitutes sufficient resources for the HDS to discharge their functions. It is anticipated that the DSC will begin this process by identifying the baseline of support which is already available to members, then work with members to identify how this support and its parameters could be developed over time. The council should set out what steps it will take to improve research services to members where appropriate, with actions and timelines and communicate this to members.
25. It is proposed that the development and implementation of the Research Protocol for Elected Members be added to the committees forward work programme which will include consultation with Elected Members and Officers to balance the requirements for research with the available resources.

Arrangements for Securing Effective Overview and Scrutiny

26. This guidance is statutory guidance issued under section 38 of the Local Government Act 2000. A county or county borough council, elected mayor or an executive leader must have regard to it. It collates previous guidance in existence and has expanded upon it to provide greater detail to replace the previous guidance issued in 2012. The changes to the guidance are summarised at **Appendix F** with the key changes being identified in bold.
27. The guidance recognises that difficult decisions will always have to be made in relation to council finances but the overriding principle should be that investment in scrutiny also contributes to better services for local people by providing another channel for people to be involved in the decisions that affect them and driving a culture of learning and improvement across the council as whole
28. The requirements of the guidance for scrutiny arrangements to be included in the Council’s Constitution and for scrutiny to be an integral part of the of the council’s self-assessment under Part 6 of the Local Government and Elections (Wales) Act 2021 are in place in Cardiff. It is considered that the Council’s arrangements for Scrutiny also reflect the effective working and resourcing and information elements of the guidance.

Appointment of Persons to Chair Overview and Scrutiny Committees

29. This section provides guidance to councils on the appointment of persons to chair overview and scrutiny committees with a policy intent to ensure overview and scrutiny is not dominated by the political groups on the executive of the council and can act independently. This guidance replaces previous guidance issued under this section in relation to the appointment of persons to chair overview and scrutiny committees in 2012.
30. These arrangements for appointing persons to Chair Overview and Scrutiny Committees are already in place in Cardiff.

Co-Opted Members of Overview and Scrutiny Committees

31. This is statutory guidance made under Section 76 of the Local Government (Wales) Measure 2011 (the Measure). It relates to the co-option of persons that are not members of local authorities onto their overview and scrutiny committees in accordance with section 21 of the Local Government Act 2000. This guidance replaces previous guidance issued in 2012. The changes to the guidance are summarised at **Appendix G** with the key changes being identified in bold.
32. The purpose of this guidance is to provide a framework for councils to consider when appointing co-opted members to overview and scrutiny committees. In particular it requires councils to have regard to how co-option could bring a wide range of different skills and increased diversity to overview and scrutiny committees.
33. The guidance indicates that co-option of members to overview and scrutiny committees who are not councillors is a way to build a more diverse membership. It can provide a way to support broader public participation in local democracy and should form part of the council's strategy on encouraging participation as required by section 40 of the Local Government and Elections (Wales) Act 2021. Co-opted members on committees can significantly strengthen their effectiveness by bringing different perspectives. In making arrangements for co-option, councils might:
 - Think about the needs of under-represented groups, and the barriers that might otherwise exist for such groups to engage with the business of the authority;
 - Consider co-option alongside other methods of assuring public participation such as inviting people with valuable perspectives and experience to engage as witnesses or technical advisers as co-option may not always be the best way to garner the views and experience of some people.

'Call in' Arrangements in relation to Overview and Scrutiny Committees

34. This is new statutory guidance issued under section 38 of the Local Government Act 2000. A county or county borough council elected mayor or an executive leader must have regard to it. This guidance replaces any previous guidance issued on this matter.
35. The guidance states that "The call-in process is an important part of the political governance of the council. The rules of procedure a council sets out in relation to call in should strike a balance between enabling open and transparent overview and

scrutiny of decisions and preventing deliberate filibustering of the council's operation. For these reasons, councils should ensure that clear and consistent call-in rules form a part of their constitutions.

36. Call-in rules should not be designed to make call-ins essentially impossible (for example, by requiring that two members of a scrutiny committee request a call-in where political balance requires that only one member of each committee is a member of the opposition). For this reason, councils should review their call-in rules following elections to ensure that they still allow for the proportionate use of this power.
37. The arrangements for Call-ins identified in the guidance are already in place in Cardiff (specifically, within Rule 12 of the Scrutiny Procedure Rules).

Councillor Calls for Action (CCfA)

38. This is statutory guidance made under Section 21A(3) of the Local Government Act 2000 (the 2000 Act), to which a member of an authority must have regard in considering whether to make a call for action. This guidance replaces previous guidance on this matter issued in 2012.
39. Section 21A of the Local Government Act 2000 enables any councillor of a principal council in Wales to refer a matter to an overview and scrutiny committee which relates to the discharge of any of the functions of the council or which affects all or part of the electoral area which the councillor represents. The guidance indicates that Councillor calls for action (CCfAs) enable local councillors and their electors to ensure a response from their council leadership to issues of local importance and should be regarded as one of a series of tools elected members have at their disposal to resolve local issues and make a positive difference in their community. This statutory provision pre-dates the Well-being of Future Generations (Wales) Act 2015, but reflects its principles that outcomes such as improved health, educational attainment and employment should be co-produced through the joint efforts of service users, service providers and others. CCfAs can offer a valuable form of community intelligence which can contribute to developing and delivering a shared vision for the locality.
40. The guidance states that the CCfA provisions should be seen in the wider context of strengthening local democracy and widening participation in local decision making. They should be considered in the context of duties placed on the council in sections 39 to 41 of the Local Government and Elections (Wales) Act 2021 relating to encouraging local people to participate in decision making.
41. The CCfA should be understood as a means of "last resort" in a broad sense, with issues being raised at a scrutiny committee after other avenues have been explored. As such, the process should make it easier for issues that would benefit from scrutiny consideration to be identified, and for those issues which are best dealt with through other means to be signposted accordingly.
42. The guidance states that "Each issue attempted to be raised as a CCfA will have to be considered on its own merits. But it must be demonstrable that each issue raised as a CCfA has been given due and appropriate consideration even if it is then determined it does not meet the criteria the council has set."

43. The guidance suggests that “It might be helpful to identify research support for members considering a CCfA to either ensure it is the appropriate course of action or to build a well evidenced case to enable effective scrutiny and consideration”.
44. The guidance states that when deciding whether or not to address an issue raised by a CCfA at a scrutiny committee meeting, committees may find it helpful to use criteria for referral. Although there have been no CCfA’s in recent years there is no set criteria for undertaking CCfAs, therefore the development of these criteria is to be added to the Constitution Committee’s Forward Work Programme, for consideration, following consultation with all councillors.

Overview and Scrutiny Committees - Taking into account the views of the public

45. This is statutory guidance issued under section 62(4) and (5) of the Local Government (Wales) Measure 2011 (the Measure). A local authority and an overview and scrutiny committee must have regard to this guidance in complying with their obligations under section 62 ‘Taking into account the views of the public’. This guidance replaces previous guidance on this matter issued in 2012. The changes to the guidance are summarised at **Appendix H** with the key changes being identified in bold.
46. Section 62 of the Local Government (Wales) Measure 2011 requires local authorities to make arrangements to enable the public to express their views in relation to any matter being considered by its scrutiny committees. The guidance indicates that engaging the public more deeply in scrutiny activity may be regarded as a hallmark of healthy democracy. Better communication about local decision-making processes and greater representative participation will help ensure more direct experiences of community life inform strategic thinking and operational practice. It is also an important element of the council being able to demonstrate it is complying with the duty in section 39 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act) to encourage local people to participate in decision making. The arrangements for taking into account the views of the public in the scrutiny process should be set out in the strategy on encouraging participation required by section 40 of the 2021 Act and should also form part of the guide to the constitution.
47. In formulating their arrangements for taking in to account the views of the public councils must have regard to their statutory duties in relation to equalities, including the public sector socio-economic duty and the Welsh language. Arrangements must facilitate and support the ability for people and communities from all backgrounds and protected characteristics to be able to engage constructively and easily with scrutiny.
48. The guidance confirms that timely publication and regular updating of forward work programmes of overview and scrutiny committees is essential in facilitating meaningful engagement from the public in scrutiny. This should again be included in the council’s strategy on encouraging participation in decision making published under section 40 of the 2021 Act.

Joint Overview and Scrutiny Committees (‘JOSCs’)

49. This is statutory guidance under section 58(4) of the Local Government (Wales) Measure 2011 (the Measure). A local authority and a joint overview & scrutiny committee must have regard to this guidance in exercising or deciding any function

conferred upon it. This guidance replaces previous guidance in relation to joint overview and scrutiny committees issued under this section in 2013. The purpose of the guidance is to set out the key matters councils must take into consideration when establishing and operating joint overview and scrutiny committees (JOSCs).

50. The aim of section 58 of the Measure is to enable joint scrutiny of collaborative arrangements, such as corporate joint committees, and strengthen scrutiny arrangements through the promotion of collaboration and the sharing of scrutiny expertise. This could include wider public service matters. Section 66 of the Local Government and Elections (Wales) Act 2021 amends section 58 to enable Welsh Ministers to also prescribe the circumstances when two or more principal councils must form a joint scrutiny committee.
51. Local authorities need to give careful consideration to who they appoint to sit on JOSCs. In some instances, it may be appropriate to appoint members who already sit on the scrutiny committee whose terms of reference most closely match the issue to be scrutinised or the terms of reference for the proposed JOSC. However, in wishing to draw on the expertise and knowledge base of a wider pool of non-executive members this might not be the most appropriate course of action, and it will be for local authorities to decide which members should be appointed to which committee. The JOSCs may also decide to co-opt members who would be in addition to the allocations from each council. With regard to co-option as it relates to a JOSC, the following conditions may help committees determine their approach to co-option:
 - Where the parent council/committee has appointed co-opted members to sit on the JOSC, the number of co-opted members should not exceed the number of elected members that have been identified by the parent council/committee to sit on the JOSC;
 - The JOSC should have the ability to appoint co-opted members if there are none contained within the body of the committee's membership.
52. The guidance indicates that "Councils should make efforts to co-ordinate their forward work programmes to avoid duplication and help ensure scrutiny activities are complementary where appropriate. JOSCs could operate in an environment where there is scrutiny of particular issues or organisations at both a joint regional level and at a local level. Clarity of roles will be important to avoid duplication."
53. Cardiff Council is currently a partner authority of the Joint Overview and Scrutiny Committee for the Cardiff Capital Region City Deal and is engaged in discussions about extending the remit of this JOSC to include scrutiny of the South East Wales Corporate Joint Committee, its successor body. Cardiff will continue to work with colleagues in partner authorities to ensure that the requirements of this guidance are met.
54. Although this council is already complying with a significant majority of this statutory guidance a more formal self-assessment should be undertaken in co-ordination with the scrutiny Chairs and their Scrutiny Committees. The outcomes of the self-assessment will be reported back to the Democratic Services Committee in due course.

Legal Implications

55. Relevant legal provisions are referenced in the body of the report. There are no direct legal implications arising from the recommendations of this report.

Financial Implications

56. There are no direct financial implications arising from this report.

Recommendations

The Committee is recommended to:

- a. Note the contents of the report and the Statutory and Non Statutory Guidance for Principal Councils in Wales attached at **Appendix A**.
- b. Note the inclusion of the following topics on the Democratic Services Committee's forward work programme:
 - The development of a Research Support and Services for Councillors Protocol
 - Consideration and development of the Annual Review process.
- c. Note that the development of the criteria for the Councillor Calls for Action will be considered by the Constitution Committee.
- d. Note the intention to undertake a self-assessment of the Scrutiny function with support from the Scrutiny Chairs and the Scrutiny Committee Members to ensure that the requirements of the statutory guidance are being met.

Gary Jones
Head of Democratic Services
07 November 2023

Appendix A: Statutory and Non Statutory Guidance for Principal Councils in Wales

Appendix B: Extract of the Statutory Guidance showing changes relating to the Democratic Services Committee

Appendix C: Extract of Statutory Guidance showing changes relating to the Timing of Council and Committee Meetings

Appendix D: Extract of Statutory Guidance showing changes relating to Training, Development and Support for local authority members.

Appendix E: Research Support and Services for Councillors Statutory Guidance

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Appendix G: Extract of Statutory Guidance showing changes relating to Co-Opted Members of Overview and Scrutiny Committees

Appendix H: Extract of Statutory Guidance showing changes relating to Overview and Scrutiny Committees - Taking Into Account The Views Of The Public

Background papers:

- [Welsh Government Consultation](#) report to the Democratic Services Committee dated 5 September 2022



Llywodraeth Cymru
Welsh Government

Statutory and Non-Statutory Guidance for Principal Councils in Wales – supporting provisions within the Local Government Act 2000, the Local Government (Wales) Measure 2011 and the Local Government and Elections (Wales) Act 2021 (WG23-23)

June 2023

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Part 1 - About this guidance

Purpose of this guidance

This guidance is consolidated statutory guidance intended to support principal councils meet requirements under the Local Government Act 2000, the Local Government (Wales) Measure 2011 and the Local Government and Elections (Wales) Act 2021.

Navigating this guidance

This guidance consists of 4 parts as set out below:

Part 1 – About this guidance

Part 2 – Guidance for elected members’ support, training and development

Part 3 – Guidance on public participation strategies and petition schemes

Part 4 – Guidance on constitutions, executives, scrutiny, governance and audit committees and conducting meetings

Terminology

For the purposes of this guidance the terms Principal Council and Local Authority are to be considered to mean County Council or County Borough Council.

Part 2 – Guidance for elected members’ support, training and development

1.0 Timing of Council Meetings Statutory Guidance

Status of this Guidance

1.1 This is statutory Guidance made under Section 6 of the Local Government (Wales) Measure 2011 (the Measure). By virtue of section 6 (2) of the Measure, local authorities must have regard to this guidance in respect of the times and intervals at which meetings of a local authority are held. The relevant meetings in the context of this guidance are meetings of the full council and any committee or sub-committee of the council.

Purpose

1.2 Part 1 of the Measure contains provisions related to the strengthening of local democracy. More specifically, this guidance deals with “promoting and supporting membership of local authorities” and section 6 relates to the timing of meetings.

1.3 The times at which the meetings of a council take place is of considerable significance as it can affect the extent to which individuals may contemplate standing for election. It is also important to provide for flexibility to support the changing needs of councillors when they are elected so that diversity can be maintained. This is an area for concern as it may impact on the diversity of membership of the council and thus impact on the council’s ability to make decisions which are informed by and reflect the diversity of people living in the council area. Decision making informed by insight from people of all ages and backgrounds is likely to be more balanced and have more focus on sustainable and long term solutions which balance the needs of different people in keeping with the principles set out in the Well-being of Future Generations (Wales) Act 2015.

1.4 For example, whilst the requirement to provide the facility for multi-location meetings for members who wish to join meetings remotely (see section 47 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act)) should overcome some concerns, many people will find attending, sometimes lengthy meetings, in the day is incompatible with their paid employment and certain times of day are challenging for people with caring responsibilities such as young children. Therefore, for the purposes of this guidance the timing of meetings also includes their frequency and length.

Reviewing existing arrangements

- 1.5 Only members of council executives are considered to be “full-time” councillors and this is reflected in the levels of payments they are entitled to for their special responsibilities. By contrast, non-executive members are considered to undertake the equivalent of a part-time role, which will, in many cases, need to be fitted around whatever other commitments councillors may have.
- 1.6 For many prospective and serving councillors in full-time employment, the extent to which their employers are supportive of their new commitment is a vital concern. Although employment legislation entitles councillors to time off for public duties, operating that in practice may be more difficult (see Section 50 of the Employment Rights Act 1996 (1996 c18)).
- 1.7 The timing, length and frequency of meetings is the most problematic issue in this respect. Other duties may be fulfilled at times which suit the individual but a meeting is at a set time and (subject to any arrangements made for remote attendance) at a set venue.
- 1.8 It is neither practical nor desirable for the Welsh Government to prescribe the times, length and frequency of meetings of the full council, its committees and sub-committees as these are matters for each council to consider in individual circumstances. However, it is important that councils do not simply continue to hold their meetings at the same time, in the same way as they have always done, simply out of inertia. What may have been tradition or an arrangement which suited the previous cohort of councillors will not necessarily serve the interests of the current one. It is recommended that meetings should be held of a length and at times, intervals and locations which are convenient to its members, having regard to equality and diversity issues. Also, regardless of whether meetings are fully on-line, multi-location or in person, agendas should provide for suitable breaks as this not only promotes a more effective meeting but is essential for members’ and officers’ health and well-being.
- 1.9 Therefore, all local authorities should review the times, frequency and length of meetings at least once in every term, preferably shortly after the new council is elected. However, it would be prudent to consider an increase in this frequency to accommodate changes in circumstances that may accrue during that period.
- 1.10 Councils should survey their members, at least once shortly after each election, to assess their preferences and should be committed to act on the conclusions. The survey should be carried out at such time as it will be of most benefit to

incoming members but no later than six months following ordinary elections. It will then be for each authority to decide on the regularity of such surveys.

1.11 Issues to be taken into account in conducting a survey could include:

- Whether daytime or evening meetings are preferred;
- Whether meetings are to be in person, fully online or multi-location;
- The preferred meeting length;
- Whether particular times cause difficulties for councillors with particular characteristics, such as age, gender, religion, having caring responsibilities or being in employment.

1.12 When considering the results of the survey, councils will need to balance a range of responses and while committed to flexibility it may not be possible to accommodate every individuals' circumstances at all meetings. In these circumstances councils should also consider whether there may be advantages to rotating meeting times due to an impossibility of meeting all of their members needs all of the time. Any such arrangements will, of course, need to be clearly publicised for the benefit of interested members of the public.

2.0 Training, Development and Support for Local Authority Members Statutory Guidance

Status of this Guidance

- 2.1 This is statutory guidance made under Section 7(4) of the Local Government (Wales) Measure 2011 (the Measure), a local authority (a county or county borough council in Wales) must have regard to it.
- 2.2 Section 38 of the Local Government Act 2000, as amended by section 45 of the Local Government and Elections (Wales) Act 2021. A local authority (a county or county borough council in Wales), elected mayor or an executive leader must have regard to it; and Section 71 of the Government of Wales Act 2006.

Purpose

- 2.3 Part 1 of the Measure contains provisions intended to strengthen local democracy. Chapter 1 of that Part concerns the support provided to members of a local authority and section 7 within that chapter provides for the training and development of these members. This guidance relates to matters local authorities must take into account in securing reasonable training and development opportunities for its members as required under section 7 of the Measure.

What the Measure requires

- 2.4 Section 7 requires local authorities to secure the provision of reasonable training and development opportunities for its members. Each member should also have the opportunity to have a review of their training and development needs on an annual basis. However, it should be noted that these provisions do not apply to the executive leader of an authority which operates a leader and cabinet executive.
- 2.5 Should a member decide to have an annual review of their training and development needs, the authority must ensure that the review includes an opportunity for an interview with someone who they consider to be “suitably qualified” to advise about the training and development needs of a member.
- 2.6 In relation to these functions, a local authority is under an obligation to have regard to guidance issued by Welsh Ministers.

Reasonable Training and Development Opportunities

- 2.7 The Measure does not define what constitutes reasonable training and development opportunities for the purposes of section 7. The Welsh Government recommends that local authorities provide opportunities for what is essential for a local authority member to perform their role effectively.
- 2.8 The role of councillors is constantly evolving as legislation changes, for example, the Local Government and Elections (Wales) Act 2021 (the 2021 Act) brings in provision enabling executive members to job share executive posts and for there to be assistants to the executive, it amended the remit of Governance and Audit Committees and placed new duties on councils to encourage the public to participate in decision making. Likewise the social and environmental context in which councillors undertake their roles is constantly changing, new developments in social media, structural change in the way the public services are organised and the way councils interact with individuals and communities.
- 2.9 Therefore, it is essential that councils do not have a static view of what constitutes reasonable training and development needs for the purposes of section 7 of the Measure. The definition should be one which is regularly and frequently kept under review, most likely by the democratic services committee, to ensure it reflects legislative changes and the needs of members identified through their annual reviews. It is not sufficient to offer a package of training to a member immediately on their election and take a position that is sufficient to support them for the whole of their term.
- 2.10 Subjects for an on-going training programme of member development should, but not exclusively, include:
- Induction - An introduction to the work of a local authority and its relationship with key bodies and the role of those bodies. Councils should plan a comprehensive induction programme for new councillors for delivery shortly after ordinary elections and also for new members elected at a by election;
 - Training on the role and functions of the executive, the council and its officers;
 - An overview of the council's constitution, including the operation of meetings, how to raise questions with the leader and executive, access to information and research support;
 - Training for the chairs of committees including effective chairing skills;
 - Training on specific roles members may undertake such as governors or representatives on health boards, fire and rescue authorities or national parks including a short brief on the purpose of the role and the member's responsibilities in keeping the council apprised of developments on the body they are representing the council on, the level of decision making that is

delegated to them and how they may access assistance to support them in the role;

- Training on the role of the councillor as a local member, the delegation of functions to ward members and councillor calls for action;
- Training on public engagement, the council's strategy to encourage participation in local decision making and the role members can play in engaging communities;
- Specific training for councillors carrying out certain regulatory or quasi-judicial roles (training for councillors sitting on planning or licensing committees, for example);
- Specific training for councillors carrying out roles relating to the operations of the council. Governance and Audit, Democratic Services and Standards Committee members might be seen as in particular need;
- Training on the operation of overview and scrutiny and its relationship with the council executive;
- Training on rights and responsibilities under the Equality Act 2010 and more broadly the Social Model of Disability;
- Training on ICT, including how to participate in multi-location meetings and how the use of ICT can support the councillor's work;
- Training on the effective use of social media and the opportunities for better engagement between councillors and the communities they serve. Also the risk of councillors being victimised or harassed by opponents or campaigners overstepping the bounds of reasonable debate;
- Training on wellbeing and safety, including ways of keeping safe when undertaking their role;
- Councillor induction should include training on the expected standards under their authority's Code of Conduct, emphasising the issues that arise as a result of application of the Code in the context of social media. It should also include the role of the Public Services Ombudsman for Wales (PSOW) in handling the complaints about breaches of the Code. Refresher of that training should also form a part of the ongoing programme of member development;
- Training on councillors' corporate parenting responsibilities;
- Regular briefings and updates on changes in the law, policy and other issues that impact on the role of the elected member such as the economy;
- Training on equality and diversity (EDI), and the council's responsibilities in respect of the wellbeing of future generations (WFG);
- Training on keeping safe when working alone, including when visiting others.

2.11 Training can also be carried out using a variety of formats – traditional classroom-style teaching is one option, as is more bespoke coaching and mentoring of individual members. Training and development opportunities might also be 'designed' in to council business to make learning opportunities more practically relevant, for example, a briefing on a technical issue as part of preparation for a

scrutiny meeting. Training can be sourced and delivered in-house, in collaboration with other councils, or with the support of external individuals or organisations.

- 2.12 Training is a process, not an event. Councils could put together a member development strategy, which should reflect the need to keep councillors' skills refreshed and updated. This should incorporate the opportunity for organising briefings for councillors on emerging areas of law and policy. In producing such a strategy councils should consider any guidance including any charters or councillor development frameworks, developed by the WLGA and resources and guidance issued by the PSOW.
- 2.13 Training in the above areas need not be exclusively delivered. Training which combines one or more of the above areas is not discouraged. It is recommended that each member has their own personal development plan which is reviewed on a regular basis. This could be used to inform the annual review of a local authority member's training and development needs as required under the Measure.
- 2.14 It is recommended that the Democratic Services Committee (DSC) has overall responsibility for deciding what should be regarded as reasonable training and development opportunities as part of its function of providing support to members to carry out their functions. In addition to the list above the DSC may consider adding some policy areas for which training is considered essential, such as planning or licensing. It may also consider how it could maximise the opportunities within the council's membership and that of other councils to provide for peer support and mentoring, shadowing and opportunities to observe meetings and other activities.
- 2.15 The agreed, training and development opportunities could be contained within a published development strategy which should include how the development will be provided and the process for commissioning external training and development. The Welsh Local Government Association's Charter for Member Support and Development ("the Charter") could be used for guidance purposes by local authorities in developing their strategies. Local authorities may wish to consider the requirements to achieve the Charter when developing their strategies and programmes.

- 2.16 Every local authority member, other than an executive leader, must be offered the opportunity to have their training and development needs reviewed on an annual basis. It is recommended that much of the training and development needs of local authority members is identified by such reviews.
- 2.17 The review must include an opportunity for a pre-planned interview between the member and a suitably qualified person (see below). The interview could include a review of the training and development received by the member over the last year (or appropriate period if the local authority member has only been recently elected).
- 2.18 Local authorities may wish to consider detailing the outcome of the interview in an agreed plan which sets out training and development needs, if any, identified for the year ahead. It is recommended that this personal development plan is provided for the member and signed by both member and reviewer. This is a private document which is not expected to be published by the authority or member, although a member is free to publicise in his or her annual report any training and development undertaken if he or she so wishes.
- 2.19 Good practise suggests councils should adopt role descriptions to ensure that all members have a full understanding of the expectations placed upon them. The descriptions can then be used as a guide to the skills required by the relevant member. The WLGA's competency framework sets out the expected skills and knowledge across a range of councillor roles ([WLGA Councillor Development \(Competency\) Framework](#)).
- 2.20 The annual review can then be an assessment of training and development needs to support the councillor in their role. A local authority may wish to consider making it clear to members that the review is not a performance review or an assessment of how well or how badly a member has conducted their duties. Ensuring members feel supported to undertake their role and can ask for training and development is integral to engendering a relationship of trust between backbench members, the executive and officers.
- 2.21 Councils could consider the drafting of a personal development plan for each councillor, arising from the statutory interview discussed above. Collated (and anonymised), these individual plans could then form the basis of a corporate member development strategy.

Suitably Qualified

- 2.22 It is for the local authority to determine who could be considered a suitably qualified person to conduct interviews with local authority members to discuss their training and development needs as part of their annual review. This responsibility could be allocated to the DSC within the authority. In most cases, this may not be a question of naming individuals, but of describing a post or office holder, (see below). It would probably be neither suitable nor desirable for a single person to be made responsible for conducting all interviews.
- 2.23 It is also possible for group leaders to conduct interviews with their members or interviews to be conducted by the leader and the executive members. Both these practices are perfectly acceptable methods of complying with the requirements of the Measure.
- 2.24 Authorities may prefer, however, to divest the duty with their human resources officers. If this is the preferred option, local authorities may consider making the Head of Democratic Services (HDS) responsible for co-operating with human resources officers for this part of their work. If the chief executive was selected as a suitably qualified person to conduct an interview it would not be expected that they would work under the supervision of the HDS.
- 2.25 Some authorities may prefer to hire external consultants or peers to conduct interviews, which is also acceptable. Local authorities are encouraged to appoint a Member Development Champion from amongst its councillors.
- 2.26 It is recommended that there should be no surprises in the system and that individual members know who they can expect to conduct their interview. Local authorities may wish to consider including an option in their arrangements for members to make a request to the HDS to arrange for a different person to conduct their interview if there is good reason for so doing.
- 2.27 Finally, authorities must ensure that anyone conducting an interview must themselves have received suitable training in how to do this and are advised to liaise with the WLGA to ensure the provision of this. Therefore, even if the authority has chosen to allocate the duty of conducting reviews to a post, rather than an individual, that post holder should have received the necessary training before conducting reviews.

Executive Leader of the Local Authority

2.28 Section 7 of the Measure does not apply to the executive leader (or elected mayor) of an authority. However, there may, of course, be occasions where the leader wishes to receive training or development and there is no suggestion that, by excluding them from the provisions of the Measure, they should not be able to receive training, nor, indeed, an annual review or an interview with a suitably qualified person.

On-going Training, Development and Support for Members

2.29 The annual review should not be seen as the only point in the year when a discussion is held with a member about their training, development, support and well-being. It should also not be seen by the member as the only opportunity available to them to proactively consider their own development and training needs or other forms of support. Increasingly, councillors are subjected to significant personal demands as a consequence of their work. Representing local people is a privilege but with it comes challenges which, at their most extreme, pose challenges to the mental and physical health of elected representatives.

2.30 Councils have a general responsibility to develop an awareness and an understanding of the constraints under which councillors operate, and to ensure that the support arrangements put in place for councillors reflect these needs. This could be done alongside work carried out by political parties, and national sector bodies.

2.31 Councils should take every opportunity to support the well-being and personal safety of councillors and their families and should note carefully legislation which requires councils to provide councillors with an office contact address, both electronic and postal, (section 43 of the 2021 Act) to ensure members' privacy and that of their families is preserved and protected. This is critical to member's well-being and encouraging and supporting a diversity of membership which reflects the diversity in the council's area.

2.32 The Welsh Government considers the protection of members addresses should be a priority for councils to support their members' well-being and promote diversity of membership. Therefore, the Local Authorities (Amendments Relating to Publication of Information) (Wales) Regulations 2022 amend sections 100G (4) of the Local Government Act 1972 and the Regulation 12 (1) of the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 to remove the requirement to make the register of members addresses and the register of members of the executive addresses available for public inspection.

- 2.33 It is, of course, important that the public are aware of the interests members may have or hold, in particular where those interests could influence the decisions they may be involved in making in their role or roles on the council. Therefore, Part 4, paragraph 15 of the Model Code of Conduct requires members to register personal interests in the authority's register of members interests falling within a category mentioned in paragraph 10(2)(a), by providing written notification to the members' authority's monitoring officer. This includes any land and property in the authority's area in which members have a beneficial interest (or a licence to occupy for more than 28 days).
- 2.34 The Welsh Government is therefore mindful of the need to protect members' safety and welfare, whilst ensuring all relevant interests are captured and openness and transparency is maintained. However, it is the view of the Welsh Government that while members have an obligation to declare interests and not to participate in or influence council business, there is no requirement for members to include their full primary address (or any other address) when registering beneficial interests in land in the authority's area. It would be sufficient for members to state that they own a property in the authority's area (for example identifying the road or ward), in order to discharge their duties under paragraph 15 of the Code.
- 2.35 In addition, councils are reminded, under paragraph 16 of the Model Code, members, with their agreement, need not include information relating to any of the members' personal interests that is deemed sensitive information. In the code, "sensitive information" means the availability of the information for inspection by the public creates, or is likely to create, a serious risk that the member or a person who lives with the member may be subjected to violence or intimidation.
- 2.36 Councils and councillors have a role in supporting the presence of an open, accountable and respectful political culture in local areas. Despite this, councils will need to be aware of the risks that come with high profile public service. Councillors may at times be at physical risk of harm – particularly where they are associated with unpopular or controversial decisions or issues. Councils must seek to understand where and how such risks emerge, and to work closely with local police and other community safety partners to – where necessary – put in place protective arrangements for councillors, as proactively as possible.
- 2.37 Councils are required to put arrangements in place for supporting councillors on family absences but there may be times when a member is in need of targeted, unplanned support for example:

- Where councillors are the subject of attacks on social media which go beyond acceptable political discourse. As far as possible, councillors should be supported to use social media to be more accessible to their constituents, but safe and reliable avenues need to be available to them to highlight such attacks, and for the council to support police action where appropriate. Legally there is a principle that councillors are expected to have “thicker skins”, but this should not limit the extent of informal support and advice that councillors should be given under these circumstances. Political parties may provide advice to councillors on the effective and safe use of social media, but councils should be aware of the comparative vulnerability of councillors who might be members of smaller parties, or acting as independents, and who therefore might not benefit from this support;
- Where councillors have chronic health conditions and/or are disabled, and councils should consider the support from the perspective of the social model of disability and remove barriers that may be disabling councillors with impairments;
- Where their circumstances make them less able to engage with their roles and duties, for example caring responsibilities. These may require temporary or permanent accommodations therefore councils should consider councillors’ wider support needs in respect of their personal commitments;
- Where councillors have other commitments (including professional commitments), or operate under other restrictions, which may limit temporarily or permanently their ability to attend meetings or to otherwise engage in the life of the council.

2.38 Political groups may put in place arrangements for peer mentoring and support, for example, ‘buddying’ newly elected councillors with colleagues returning to office. This is an important element of training and support for many members. However, councillors unaffiliated to a political group (or part of a small, or geographically-specific, political group) may have particular needs, and councils can consider how these can be met in such a way that does not disadvantage other members.

2.39 A council culture where member well-being, learning and development is valued and nurtured amongst elected members could be considered an important element of a council being able to meet its duties in sections 89 and 90 of the 2021 Act to keep its performance under review and consult the public on performance. The active involvement of all members will be important to demonstrating these duties are being met and members must be receptive to training and development to support them in this role and the council must be receptive to the importance of doing so.

3.0 Research Support and Services for Councillors Statutory Guidance

Status of this Guidance

- 3.1 This is statutory guidance issued under section 8(1A) of the Local Government (Wales) Measure 2011. This section enables the Welsh Ministers to issue guidance to which a local authority must have regard when exercising its functions in respect of providing the head of democratic services (HDS) with the staff, accommodation and other resources which are, in its opinion, sufficient for the HDS to discharge their functions.

Purpose of this Guidance

- 3.2 Councillors who are part of the executive or assistants to it have the benefit of working closely with officers of the council and have ready access to information and professional support. In order to undertake their roles effectively all elected members should be able to access a range of information and support. It is anticipated this will mainly focus on signposting individual members to existing sources of information or available training for example, brief prepared for scrutiny committee meetings or how to use research, statistical or legislative websites. It may also include targeted support for groups of members for example, leading a task and finish group investigation or support for individual members to research issues impacting on their communities where they are taking forward a councillor call for action under section 21A of the Local Government Act 2000, they have been delegated functions under section 56 of the 2011 Measure or with which they are involved through their role on the council, for example as chair of a committee.
- 3.3 The democratic services committee should consider the provision of this kind of support to elected members as part of its considerations as to what constitutes sufficient resources for the HDS to discharge their functions. The case for resources for this support should form part of the DSC's budget considerations and discussions with the council. It is anticipated that the DSC will begin this process by identifying the baseline of support which is already available to members, then work with members to identify how this support and its parameters could be developed over time. The council should set out what steps it will take to improve research services to members where appropriate, with actions and timelines and communicate this to members.

Support for Research

- 3.4 It is for the DSC to advise on the nature and level of support for research by elected members that would be suitable for their council and the level of resources that the HDS might require to provide a sufficient set of services in this regard. This guidance sets out the sorts of services the DSC should consider when making its deliberations.
- 3.5 The proportionate use of research support by councillors is an important part of ensuring local democracy is functioning effectively. It is also important to ensure that members do not get frustrated by feeling they are not able to access or have available to them the support they need to make a difference to their local community or undertake a role they have been asked to do on behalf of the council effectively.
- 3.6 Councils should, through their democratic services committee, put in place a protocol or other set of rules governing how councillors should expect to be able to access and use research services, to ensure that it is accessible to all councillors and that it is used equitably and proportionately. This should dovetail with the democratic services committee's oversight of the overall resourcing available for democratic services in an authority.
- 3.7 The aim should be to provide support to assist backbench councillors and their staff to work with constituents, scrutinise legislation, develop policy, undertake any roles they may be asked to do on behalf of the council and undertake effective overview and scrutiny. Research may be related to a specific issue or issues that have a more general impact on the work of elected members across the council but would usually be connected to the delivery of the council's priorities or the scrutiny of their delivery. It should work in harmony with and not be expected to duplicate the support members might be provided by virtue of their membership of a political group, for example where political assistants have been appointed (section 9 of the Local Government and Housing Act 1989). Research provided to councillors through this part of the guidance should not be politically motivated or compromise officers' political neutrality.

Research Support and Services

- 3.8 Examples of research support and services include:
- Collating and distributing background papers to assist councillors to better understand forthcoming key decisions including analysis of complex data and

information which may be provided as background papers for council meetings such as the budget discussion;

- Preparing and sharing regularly management information, including performance management shared as a part of formal assessments either by performance panels or Audit Wales;
- Preparing and sharing demographic information, and information on the use of services by local people;
- Responding to councillors' requests for research on specific topics to be undertaken either by council officers or an external source. Councils should set out clear processes and procedures to ensure councillors have access to this kind of research but also that they understand the requirement for its judicious use within the budget and other resourcing parameters set by the council;
- Signposting of members to useful sources of information they can access on the issue in which they have an interest;
- Circulation of calendars of events held by local and national organisations which may be of interest to members and help inform their knowledge of particular issues.

3.9 The service should not be solely reactive, the proactive provision of timely briefings on new policies, changes in the law or other matters that could impact on the work of members should form part of the service. These briefings should be published and made available to the public as they will be of wider interest and can form part of the Council's strategy for meeting its duties under sections 39 to 41 of the Local Government and Elections (Wales) Act 2021 to encourage local people to participate in decision making and the publication of a participation strategy.

3.10 However, it is also important the DSC and HDS should consult and involve members to shape and regularly review the usefulness and effectiveness of the support provided.

Benefits

3.11 The benefits of pro-active research support for councillors are:

- It means that councillors are better able to engage with the business of the authority in an informed, proactive manner;
- Different officers do not have to deal with requests for information and duplication is reduced;
- There is less demand for the bringing of reports to committees (particularly scrutiny committees) for information, or to note, because there are systematic

methods to share research with councillors through other means thus freeing up committee time and resources;

- The products and outcomes of research can be shared equitably, rather than through one-to-one councillor-officer conversations which privileges those more capable in “navigating” the authority and its officer structures.

Support in accessing information

3.12 Councils should adopt a proactive and permissive approach in how they engage with councillors’ information needs. Councillors cannot always know what information they need to know, and as such may not be in a position to frame requests in a way that captures these needs succinctly. In particular, councils should recognise that it is not optimal for councillors to be expected to make FOI requests of their own authority, and should put in place arrangements to ensure that they can access this – and other – information in an expedited manner.

3.13 As such councils should:

- Frame councillor access to information procedure rules expansively – with a presumption in favour of the release of information to councillors unless a clear public policy reason exists not to;
- Proactively provide councillors with management information and other data to ensure that they are kept informed about the business of the authority. Councils could produce an information bulletin or digest for councillors on a regular basis – subject to resources as suggested above;
- Engage with members to better understand how and where their roles will require that they access certain information sources, and support them to gain that access. This may include negotiation with partners, and others who may hold information relevant to councillors’ roles;
- Ensure mechanisms are in place to protect personal data in line with appropriate legislation.

3.14 As far as possible councils should specify publicly why a matter is exempt from publication or from discussion in a public forum – ideally providing more information than just the description given in Schedule 12A of the Local Government Act 1972.

3.15 Equally, councillors should be made aware that councils are frequently under legal obligations to others with regard to maintaining the confidentiality of certain information – in particular, commercial information and personal information – and such releases could open up the council to challenge.

4.0 Statutory Guidance on duties of leaders of political groups in relation to standards of conduct

Status of this Guidance

4.1 This is statutory guidance issued under section 52A of Local Government Act 2000 (the 2000 Act) inserted by section 62 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act).

Purpose of this Guidance

4.2 This guidance sets out how leaders of political groups in principal councils should meet their duties contained in section 52A of the Local Government Act 2000 (“the 2000 Act”), inserted by section 62, of the 2021 Act, which relates to the promotion and maintenance of high standards of conduct by the members of the group.

4.3 This guidance is designed to support leaders of political groups understand and discharge their duties in relation to high standards of conduct, whilst recognising that they will wish to and should be encouraged to develop their own approach in line with their wider statutory obligations, local circumstances, and best practice. However, the basic principles set out in the guidance should apply to all.

4.4 This guidance specifically addresses the following duties:-

Duty to take reasonable steps to promote and maintain high standards of conduct by the members of the group

4.5 Section 52A(1)(a) of the 2000 Act requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must take reasonable steps to promote and maintain high standards of conduct by the members of the group.

Duty to co-operate with the council’s standards committee (and any sub-committee) in the exercise of the standards committee’s functions

4.6 Section 52A(1)(b) of the 2000 Act requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must co-operate with the council’s standards committee (and any sub-committee of the committee) in the exercise of the standards committee’s functions.

4.7 This guidance refers specifically to these duties on a leader of a political group, and sets out the expectations on how they will perform these duties. All of the duties apply from 5 May 2022.

4.8 There are other provisions within Part 3 of the 2000 Act relating to standards committees, inserted by sections 62 and 63 of the 2021 Act. These aspects of the 2021 Act are also described in this guidance.

4.9 This guidance is set out as follows:-

- Policy context within which the duties are set and the purpose of the duties;
- Duty to take reasonable steps to promote and maintain high standards of conduct by the members of the group;
- Duty to co-operate with the council's standards committee (and any sub-committee) in the exercise of the standards committee's functions.

Policy context and purpose of the duties set out in section 52A of the Local Government Act 2000

Policy context

4.10 Part 3 of the 2000 Act established a statutory framework to promote and maintain high standards of ethical conduct by members and employees of relevant authorities in Wales. A 'relevant authority' is a county or county borough council ("a principal council"), community council, fire and rescue authority, a national park authority and a Corporate Joint Committee.

4.11 The framework consists of the ten general principles of conduct for members (derived from Lord Nolan's 'Seven Principles of Public Life'), set out below:

- Selflessness;
- Honesty;
- Integrity and propriety;
- Duty to uphold the law;
- Stewardship;
- Objectivity in decision-making;
- Equality and respect;
- Openness;
- Accountability;
- Leadership.

4.12 These are included in the statutory Model Code of Conduct ("the Code")(as required under section 50 of the 2000 Act), which lays down a set of enforceable minimum standards for the way in which members should conduct themselves, both in terms of their official capacity and (in some instances) in their personal capacity. It also guides members on the declaration and registration of interests.

All elected members must familiarise themselves with and give a written undertaking to observe the Code before they can take up office. As the Code may from time to time be updated members must familiarise themselves with any changes with which they are required to observe.

- 4.13 Building on the existing arrangements, section 62 of the 2021 Act inserts a new section 52A into the 2000 Act which places a duty on leaders of political groups within a principal council to promote and maintain high standards of conduct by members of their group. Group leaders are required to co-operate with the council's standards committee in the exercise of its general and specific functions for promoting high standards (see below).
- 4.14 Subsection (3) amends section 54 of the 2000 Act to extend the specific functions of a standards committee to include monitoring compliance by leaders of political groups with the new duty imposed on them by the 2021 Act to promote and maintain high standards of conduct by members of their group. A standards committee must also provide advice or provide or arrange training for group leaders on the new duty.

Purpose of the standards of conduct provisions

- 4.15 The ethical standards framework in Wales aims to promote the observance of consistent standards of conduct by local government members. High ethical standards underpin and maintain public confidence in democratic governance and the decision making process. For any organisation to be effective it must respect diversity in all its forms and treat everyone with the respect they would expect for themselves. Engendering a culture within a principal council which embraces high standards of conduct, requires both local leadership and all elected members to accept responsibility and accountability for their actions both individually and collectively.
- 4.16 The standards of conduct provisions in the 2021 Act complement the existing statutory ethical framework and support the Code of Conduct process. The provisions are designed to ensure leaders of political groups in principal councils, supported by standards committees, promote and maintain high standards of conduct by the members of their group.

The wider environment in which the standards of conduct duties operate

- 4.17 The standards of conduct provisions contained in the 2021 Act support the Welsh Government's wider commitment to equality and diversity in public life. Action has been taken through the Diversity in Democracy Programme to tackle the barriers which prevent individuals' active participation in local democracy. Within local government, and through the Welsh Local Government Association

(WLGA), there has been a commitment to Diversity in Democracy, including councils signing Diverse Council declarations which seek, amongst other actions, to ensure councils 'demonstrate an open and welcoming culture to all'. Furthermore, the WLGA, working with the Local Government Association (LGA), Northern Ireland Local Government association (NILGA) and the Scottish body, COSLA, has been promoting the Civility in Public Life programme, which seeks to promote civil, constructive and respectful political discourse.

4.18 The Anti Racist Wales Action Plan sets out a series of goals and actions designed to improve the outcomes for black, Asian and minority ethnic people in Wales. It includes a number of goals and actions for local government relating to its leadership and representation role. It recognises that a more diverse elected representation is good for decision making and likely to lead to decisions which better reflect society as a whole. This in turn contributes to greater public confidence.

Duty to take reasonable steps to promote and maintain high standards of conduct by the members of the group

Introduction

4.19 This is statutory guidance issued under section 52A of the Local Government Act 2000 (the 2000 Act) as amended by section 62 of the Local Government and Elections Act 2021 (the 2021 Act). This section of the guidance should be read by a leader of a political group in a principal council to support the discharge of their duties in section 52A of the 2000 Act, to take reasonable steps to promote and maintain high standards of conduct by the members of the group. The guidance here reflects the minimum requirements, recognising that leaders are best placed to build on this to develop the detail of their own approach, and work together to share best practice across political groups and with standards committees.

Definition of political groups and group leaders

4.20 Section 52A(3) of the 2000 Act enables the Welsh Ministers to make provision in regulations about the circumstances in which (a) members of a county council or county borough council in Wales are to be treated as constituting a political group; (b) a member of a political group is to be treated as a leader of the group.

4.21 The Local Government (Committees and Political Groups) Regulations 1990, made under the Local Government and Housing Act 1989, currently governs the position in this respect, until such time as regulations passed under 52A(3) of the 2000 Act are made.

4.22 Section 52A(1)(a) of the 2000 Act requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must take reasonable steps to promote and maintain high standards of conduct by the members of the group.

4.23 The duty does not make leaders of a political group accountable for the behaviour of their members as conduct must be a matter of individual responsibility and accountability. However, they do have a role in taking reasonable steps in maintaining high standards, setting an example, using their influence to support a positive culture, being proactive in promoting high standards of conduct in their group and addressing issues of alleged non-compliance as soon as they arise.

4.24 Reasonable steps the group leader *may* undertake include:

- demonstrating personal commitment to and attending and participating in relevant development or training around equalities and standards, including on the Code of Conduct;
- actively encouraging group members to attend relevant development or training around equalities and standards including in relation to the Code of Conduct;
- ensuring nominees to a committee have received the recommended training for participating on that committee;
- promoting modelling civility and respect within group communications and meetings and in formal council meetings;
- supporting informal resolution procedures in the council, and working with the standards committee and monitoring officers to achieve local resolution;
- encouraging a culture within the group which supports high standards of conduct and integrity;
- attend a meeting of the council's standards committee if requested to participate in discussions on Code of Conduct issues;
- drive forward work to implement any recommendations from the standards committee about improving standards;
- work with the standards committee to proactively identify, consider and tackle patterns of inappropriate behaviour;
- work together with other group leaders, within reason, to collectively support high standards of conduct within the council and where any issues identified involve more than one political group.

4.25 As set out above, the purpose of the new duties is to build on and support a culture which is proactive, acts on and does not tolerate inappropriate behaviour. The Guidance from the Public Services Ombudsman for Wales for members on the Code of Conduct provides advice on the Code and its requirements. It includes examples of cases considered by the Ombudsman and decisions reached by local standards committees and the Adjudication Panel for Wales

which demonstrate behaviours which are unreasonable or inappropriate. Leaders of political groups and all members, including independent members, should have regard to the Ombudsman's Guidance, which can be accessed on the [Ombudsman's website](#).

- 4.26 The importance of attendance at training on the Code of Conduct has been highlighted by the Ombudsman and was raised under the independent review of the Ethical Standards Framework and Model Code of Conduct carried out by Richard Penn. Leaders of political groups should actively encourage all members in their group to read the Ombudsman's Guidance and any local guidance issued by the monitoring officer or standards committee and to take up any offer of training. They should also work constructively with standards committees and monitoring officers to identify the training requirements for themselves and for their group members.
- 4.27 It is essential that relationships with members are established which encourage them to raise issues with the group leader. The group leader has a significant role to play in creating a culture of trust and mutual respect in their group. Where issues arise, the importance of resolving low-level complaints at a local level has been raised by the Ombudsman and the independent Review of the Framework. Typically, these complaints are about alleged failures to show respect and consideration for others and the making of frivolous and low-level complaints. The group leader should be pivotal in preventing the escalation of these complaints to the stage where more formal interventions become necessary. Leaders of political groups should have informal discussions with members who may be showing early signs of inappropriate behaviour to 'nip this in the bud' before it becomes problematic or in danger of breaching the Code. This may include suggesting and requesting appropriate training or refresher training for the members concerned, asking for social media posts they have made to be removed, and requesting they apologise where appropriate.
- 4.28 A leader of a political group who fails to comply with the new duty in a meaningful way, may potentially be regarded as bringing their office into disrepute, and likely to be in breach of the Code (see the Ombudsman's Guidance).
- 4.29 Political group leaders will want to ensure they are able to evidence the steps they have taken to help create an environment in which members demonstrate appropriate standards of behaviour, undertake appropriate training and address, with members, instances where standards of behaviour falls short of that expected. It is a matter for individual group leaders how they choose to evidence their compliance with this guidance, but it may include notes of meetings, copies of correspondence, audits of member training on issues such as equality and the Code of Conduct and action taken to address any gaps in that training.

4.30 A political group's internal disciplinary procedures remain a matter for that group or any associated political party's own rules on discipline. However, it is expected that the group leader will take reasonable steps to promote and maintain high standards of conduct by members within group communications and meetings as well as their 'public' conduct outside of the group setting.

Duty to co-operate with the council's standards committee (and any sub-committee) in the exercise of the standards committee's functions

Introduction

4.31 This section of guidance is issued under section 52A of the Local Government Act 2000 (the 2000 Act) as amended by section 62 of the Local Government and Elections Act 2021 (the 2021 Act). It is about the duty to co-operate with the council's standards committee (and any sub-committee) in the exercise of the standards committee's functions within section 52A of the 2000 Act.

4.32 The duties came into force on 5 May 2022.

Duty

4.33 Section 52A(1)(b) of the 2000 Act requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must co-operate with the council's standards committee (and any sub-committee of the committee) in the exercise of the standards committee's functions.

Role of leader of political group

4.34 It is essential the leaders of a political group co-operate, and ensure the members within their group co-operate, with the monitoring officer and standards committee when an issue is referred to the standards committee.

4.35 Leaders of a political group should build good relations, and work constructively with the monitoring officer, seeking advice from them and the standards committee on matters of behaviour and conduct when required, both promoting positive behaviours and addressing inappropriate ones. Group leaders should also report compliance with their duty to the standards committee. This can take the form of a short letter or report at a frequency agreed by the political group leaders in the council and its standards committee. Group leaders should also report any serious concerns about members' behaviour which have not been remedied by informal actions, in line with the requirement in the Code of Conduct to report such breaches.

4.36 At the beginning of each council year Political group leaders should meet with the standards committee to agree the following:

- How group leaders and the standards committee will work together to ensure appropriate standards of behaviour;
- Frequency of meetings between group leaders and the standards committee throughout the year;
- The threshold which the standards committee will use to establish whether it is content that political group leaders have complied with the duties of the 2021 Act;
- The mechanism for political group leaders to provide reports to the standards committee about the actions they have taken to comply with the duties within the 2021 Act.

4.37 If a member is found by the standards committee to be in breach of the Code of Conduct and is disciplined by the committee, the leader of the political group must support the action, in order to maintain the high standards of conduct expected in public life and the Code. Group leaders should observe the Ombudsman's Guidance and the Sanctions Guidance issued by the President of the Adjudication Panel for Wales, which can be accessed on the [Adjudication Panel's website](#).

5.0 Statutory Guidance on the Functions of Standards Committees

Status of this guidance

5.1 This guidance is issued under section 54(7) of the Local Government Act 2000 (the 2000 Act) inserted by section 63 of Local Government and Elections (Wales) Act (the 2021 Act).

5.2 The duties came into force on 5 May 2022.

Purpose of this guidance

5.3 Local standards committees play an important role in supporting members, individually and collectively, to develop and maintain a culture which embraces high standards of conduct.

5.4 A principal council is required by section 53 of the 2000 Act to establish a standards committee.

5.5 The general functions of a standards committee under section 54(1) of the 2000 Act are to promote and maintain high standards of conduct by members and co-opted members of a “relevant authority” and to assist them to observe the members Code of Conduct.

5.6 In addition, a standards committee also has specific functions under section 54(2) of the 2000 Act, namely to:

- advise the authority on the adoption or revision of a Code of Conduct;
- monitor the operation of the Code of Conduct; and
- provide advice or provide or arrange training on the Code of Conduct for members of the authority.

5.7 Section 56(1) of the 2000 Act provides that a principal council’s standards committee (or a sub-committee established for the purpose) also exercises these functions in relation to members of community councils in its area. Principal council standards committees should play a proactive role in promoting and supporting high standards of conduct in the town and community councils in their area, for example, by visiting them, working together to share good practice and identifying training opportunities.

5.8 Monitoring officers work closely with standards committees and support them in providing day-to-day advice to members on conduct matters.

5.9 A principal council may arrange for its standards committee to exercise such other functions as it considers appropriate, for example, monitoring the operation of corporate maladministration complaint procedures.

5.10 An important aspect of governance arrangements is the approach taken to gifts and hospitality. While there has been some support for a Wales wide approach we consider this is a matter to be dealt with by individual councils. We would expect standards committees to regularly review the approach taken in respect of gifts and hospitality and the use of thresholds. We would recommend this to be a matter included in standards committees annual reports. In addition it is considered this is a matter which would be routinely discussed at regular meetings of Monitoring Officers across Wales.

6.0 Duty of a standards committee to monitor group leaders' compliance with the duties, and provision of advice and training

Status of this guidance

6.1. This guidance is issued under section 54 of the Local Government Act 2000 (the 2000 Act) as amended by 62(3) of the Local Government and Elections (Wales) Act 2021 (the 2021 Act).

Purpose

6.2. Section 62(3) of the 2021 Act amends section 54 of the 2000 Act to extend the specific functions of a standards committee to include monitoring compliance by leaders of political groups with the duty imposed on them by the 2021 Act to promote and maintain high standards of conduct by members of their group. As noted above, a council's political group leaders and its standards committee should agree on the form and frequency of a report from each group leader to the standards committee. The standards committee should then consider each report and provide feedback to the group leaders.

6.3. A standards committee must also provide advice and training or arrange to train group leaders on the new duty. At the start of each administration this should take place within six months of the election and be reviewed at least annually.

6.4. As set out earlier in this guidance the standards committee should meet with group leaders at the beginning of each council year to agree a number of issues, including the frequency of meetings between political group leaders and the standards committee through the year to discuss compliance with the duties covered by this guidance, annual reporting processes and issues arising from the analysis of complaints in respect of standards of behaviour.

7.0 Duty of standards committee to make annual report

Status of this guidance

7.1. This guidance is issued under section 54(7) of the Local Government Act 2000 (“the 2000 Act”).

Purpose

7.2. Section 63 of the 2021 Act inserts section 56B into the 2000 Act which places a requirement on standards committees in each “relevant authority” to make an annual report to the authority concerned. In the case of a principal council, the requirement to report to “the authority” in this context includes any community councils in its area.

7.3. As a minimum, the report must:

- describe how the committee has discharged its functions during the preceding financial year;
- confirm the operation of a local protocol for the resolution of complaints and provide an assessment of its impact. Where no local protocol has been adopted, the standards committees must consider whether the adoption of such a protocol would support its functions in relation to promoting high standards of ethical conduct;
- include an analysis of complaints. This analysis must include information about the number of councillors who have been the subject of a complaint which has been upheld, and whether they have or have not attended a training session on the Code of Conduct prior to or after the complaint was received;
- include a summary of reports and recommendations made or referred to the committee by the Public Services Ombudsman for Wales relating to the investigation of alleged breaches of the member Code of Conduct, and any subsequent action taken by the committee;
- include a summary of notices given to the committee by the Adjudication Panel for Wales, relating to the Panel’s decisions on possible breaches of the member Code of Conduct;
- describe the advice it has provided on training for all members and how that has been implemented; in the case of a principal council set out how it has worked with the town and community councils in its area to promote and maintain high standards of conduct amongst town and community councillors; and
- in the case of a principal council, include the committee’s assessment of how political group leaders have complied with the new duty under section 52A(1) of the 2000 Act (inserted by section 62 of the 2021 Act) to promote high

standards of conduct, including the advice the standards committee has provided and the training it has suggested.

- 7.4. The committee may also wish to report on the number of cases considered under local resolution processes. This would help to capture data on an “all Wales” basis, on matters which do not reach the Public Services Ombudsman for Wales.
- 7.5. Approaches to the management and monitoring of gifts and hospitality are often sensitive matters. It is recommended the approach to this is reviewed and agreed within individual principal councils and that the regular review of thresholds for declaration of gifts, hospitality, material benefit or advantage, are included in standards committee’s annual report. This will assist in terms of transparency of the arrangements.
- 7.6. The requirement to make an annual report is intended to ensure there is a regular and consistent approach to the reporting and consideration of standards of conduct by members of relevant authorities in Wales. This is intended to promote local ownership and collective responsibility by members for ensuring high standards of conduct within their authority. To this end, section 56B places an obligation on a relevant authority to consider the report and any recommendations made by its standards committee within three months of its receipt. The authority’s consideration of a report will be a matter of public record through the published minutes of the meeting.
- 7.7. The standards committee should consider whether there are improvements that can be made to strengthen the standards of behaviour of members. This may include recommendations to the full council and town and community councils in its area about matters such as mandating training in equalities and the model code of conduct.
- 7.8. It would be good practice for standards committees to share their Annual Reports with the Public Services Ombudsman for Wales and town and community councils.

Part 3 – Guidance on public participation strategies and petition schemes

1.0 Statutory Guidance on Public Participation Strategies

Status of this Guidance

- 1.1 This is statutory guidance made under section 44 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act). A principal council (a county or county borough council in Wales), must have regard to it.

Purpose of this Guidance

- 1.2 This guidance is to support councils in the preparation and maintenance of their public participation strategies which aim to support and encourage decision making, which is informed by, understands and reflects the diversity of the communities in the council area.

Policy intent

- 1.3 Public participation is essential to ensuring the needs and aspirations of communities are at the heart of local decision making. Councils must demonstrate they recognise and value the contribution of local people in identifying, shaping and evaluating the services they and their families rely upon as part of their democratic decision-making processes. This is central to the ethos of the Well-being of Future Generations (Wales) Act 2015 (the 2015 Act) and sections 39 to 41 of the 2021 Act are intended to work in harmony with the pursuit of councils' well-being goals and complement the five ways of working set out in the 2015 Act.
- 1.4 This is because the 'participation duty' in the 2021 Act relates specifically to participation in the democratic processes of the council, recognising the democratic dimension of councils which is specific and integral to their constitution. Its focus is on maintaining the participation, trust and interest of the public in democracy in the years between elections. Also, if this trust interest can be grown, supported and built upon in the years between elections, there is the opportunity to further build on this and encourage higher levels of voter registration and turnout at election time.
- 1.5 The aim of the public participation strategy is therefore to set out the arrangements the council intends to put in place to embed and deliver a culture of partnership with the public. To build this culture of partnership and for the

public to have confidence in the council's commitment to encourage and act on their views, the participation strategy must be developed with all diverse communities within the council area.

- 1.6 The 2021 Act does not provide a definition of participation but for the purposes of this guidance and the preparation of the public participation strategy 'participation' should be interpreted as an all-encompassing term for activities or methods which inform, engage, consult, involve or use co-development or co-production between council and the public. It should also be interpreted as participation of everyone no matter their age, protected characteristic or characteristics or socio-economic background. The council's public participation strategy should be clear how it will enable participation for everyone including by reference to the social model of disability.

What the 2021 Act requires

- 1.7 The 2021 Act places a duty on principal councils (a county or county borough council in Wales) to encourage local people to participate in their decision making. This includes where councils are making decisions in partnership with another principal council or in conjunction with another individual or body such as a local health board. This is set out in section 39 of the 2021 Act and is specifically intended to encourage public participation in the democratic processes of the council as a bridge with the public's direct engagement with councillors.
- 1.8 Section 40 of the Act then requires a principal council to prepare and publish a public participation strategy setting out how it will encourage local people to participate in its decision making. These strategies **must** include (section 40(2):
- a) ways of promoting awareness among local people of the principal council's functions;
 - b) ways of promoting awareness among local people of how to become a member of the principal council, and what membership entails;
 - c) ways of facilitating access for local people to information about decisions made, or to be made, by the principal council;
 - d) ways of promoting and facilitating processes by which local people may make representations to the principal council about a decision before, and after, it is made;
 - e) arrangements made, or to be made, for the purpose of the council's duty in section 62 of the Local Government (Wales) Measure 2011 (bringing views of the public to attention of overview and scrutiny committees);
 - f) ways of promoting awareness among members of the principal council of the benefits of using social media to communicate with local people.

- 1.9 The strategy **may** also address how a principal council proposes to comply with a duty imposed by any enactment. This enables the council to set out in one place how it will address a variety of duties to eliminate any duplication and to make it easier for the public to understand the many different ways in which the council is encouraging participation across the range of its activities.
- 1.10 In developing its public participation strategy councils must consult people who live, work or study in the council's area and anyone else it thinks appropriate. Section 41 of the 2021 Act requires a council's first strategy made under this section to be published as soon as reasonably practicable after the local government elections in May 2022.
- 1.11 There are many ways of involving, engaging and interacting with individuals and groups of individuals within communities for example, formal consultations, focus groups, public meetings and citizens juries. No one mechanism is the key to developing a partnership approach between members of the public and the council which serves them, and councils will need to consider which approaches are best matched to different aspects of the strategy and the different communities they must engage.
- 1.12 A public participation strategy must go beyond relying solely on traditional requests for feedback on pre-determined plans and establish a relationship with communities built on trust, a commitment to listen to all voices and for those voices to be heard and to work together with the community to explore and resolve issues of concern, promote and recognise achievements and face new challenges together. The public participation strategy must set out how this will be achieved.
- 1.13 Section 41 then enables the council to determine the frequency of the subsequent reviews of its strategy but it must consult with people who live, work or study in the council's area and anyone else it thinks appropriate when undertaking a review. The revised or new version of the strategy must be published as soon as possible after the review.

Preparing the strategy

- 1.14 In preparing the strategy the council should be clear about those it is required to consult with under section 41 of the 2021 Act on its purpose. The purpose is to set out **HOW** the council will achieve the requirements set out in section 39 of the Act.
- 1.15 Each of the requirements cannot be met solely through formal consultation, although formal consultation may be one of the pathways for participation, demonstrating that the requirements are being met will involve setting out a

basket of measures. For example, demonstrating the council is meeting the requirement relating to ways of promoting and facilitating processes by which local people may make representations to the council about a decision, before, and after it is made could include formal consultation processes but could also include how to make representations to your ward member, how to submit questions to the council leader, how to submit evidence to scrutiny committees, how to become a member of a citizens' panel or a co-production forum, systematic publication of council, cabinet and committee forward work plans and agendas and so on.

- 1.16 Whilst meeting the requirement relating to promoting awareness among local people of how to become a member of the principal council and what membership entails could include youth councils and youth cabinets, outreach in local communities and opportunities for shadowing elected members, promotion of how to attend council meetings, podcasts and webcasts about the work of elected members and so on.
- 1.17 The development of the strategy should be informed by discussions and involvement of the public as to its purpose and what participation pathways would best enable them and support them to engage in local decision making. The approach to the development of the strategy and the routes for participation it sets out must go beyond this, focusing on a partnership approach with those impacted by decisions made and services provided by the council.
- 1.18 An effective approach to public participation cannot be achieved without investment. It is essential as part of any baseline assessment the current level of resource allocated to engaging with the public is identified with an explanation of what those resources deliver.
- 1.19 The requirement to develop a public participation strategy should not be seen as an indication that councils are not already engaging with the public. Many councils will already have a number of mechanisms in place aimed at helping the council to understand the views of the public it serves. Councils should use the strategy to build on the strengths it already has in this area, while developing new ways of working within a wider partnership approach to demonstrate its commitment to public participation.
- 1.20 Councils should have regard to their statutory duties in respect of equalities, Welsh language and the Well-being of Future Generations (Wales) Act 2015 when preparing their strategy. Councils should also be aware that a well-rounded public participation strategy is integral to demonstrating it is meeting its duties under section 89 of the 2021 Act to keep its performance and governance under review and its duties under section 90 to consult local people on performance.

Baseline assessment

1.21 An important part of any strategy is being clear about the starting point. In the case of a public participation strategy it is necessary to understand what is already in place, what works well and where the gaps are. It is essential there is an understanding of the demographics within the local authority area. A local authority should conduct a baseline assessment as part of its preparation for developing a public participation strategy.

1.22 Key issues which should be considered as part of this assessment are the demographic profile of the local authority, the existing level and nature of community engagement and the current approach to public participation. The following questions, while not exhaustive, may be useful in establishing the baseline assessment:

- What is the local authority's demographic profile?
- What community networks already exist and under what circumstances does the local authority engage with them?
- What community leaders and local issues champions has the local authority identified, developed and maintained relationships with?
- What mechanisms currently exist for members of the community to put forward ideas to the council for consideration? How is this communicated to the public?
- How does the local authority act upon complaints received and how does the public know whether changes have been made to services / processes as a result? Information published by the PSOW about levels of complaints for councils is a rich source of information;
- What resources are dedicated to community engagement / involvement? What has changed as a result?
- How does the public contribute to the scrutiny of the council's work?

1.23 The baseline assessment will help the local authority to focus on its strengths while developing a holistic, public-centred strategy.

1.24 In advance of drafting a strategy the council should consider the requirement placed on it through sections 39, 40 and 41 of the 2021 Act alongside the baseline assessment. This will provide an opportunity to identify key issues which will be important in developing the strategy, the timelines for action and the potential for investment to support both the development of, and implementation of the strategy.

Designing effective public participation

1.25 Building on good practice and working with the public, councils can move from traditional approaches and design more collaborative, tailored and imaginative participation. Strategies should explain the approach and guiding principles the council has adopted. There are many approaches a council could follow in the development of its strategy and the following is intended to set out a high level approach of the key steps:

Design

- Set out clearly the purpose of the strategy and the intended outcomes;
- Identify and set out the process for development such as public and stakeholder engagement and how this will be inclusive and extensive;
- Involve a wide range of staff across the council to bring together an understanding of existing interactions with the public, understand good practice and generate ideas;
- Ensure the design fulfils the statutory requirements relating to the Well-being of Future Generations (Wales) Act 2015, equalities and Welsh language and considers the social model of disability and responsibilities in relation to children's rights;
- Set out how it will be ensured that the council executive and the council provide leadership for the development and implementation of the strategy;
- Set out how ward councillors will be involved in championing and leading the development process in their communities.

Development

- Map existing participation pathways, existing strengths and weaknesses, identify gaps;
- Identify opportunities where digital could add value or provide new opportunities;
- Use the development process to create participation, harness democratic involvement, both inside the council and with the public, and build it into involvement in decision making;
- Road test proposals in communities;
- Benchmark proposals with other councils;
- Identify on-going resource needs to implement and evaluate the strategy.

Evaluation and Revision

- Develop and use evaluation measures;
- Set timeframes for evaluation and revision.

1.26 This should not be approached as a sequential process. It should be noted that the above are interrelated, iterative tasks, not a step-by-step template.

Promoting awareness

1.27 Effective public participation relies on there being a range of information available to the public which includes information about the following:

- the role of the council;
- how the council is structured;
- who represents them on the council and what has their contribution been;
- How decisions are made;
- How decisions are scrutinised;
- Key contacts within the council for general and specific issues;
- Short, Medium and Long term plans;
- Financial aspects of the Council;
- Information about council service or activities complaints and trends in terms of complaints as well as actions / changes made as a result;
- Key contact points.

1.28 The above is not an exhaustive list, there are many other examples of information which should be easily accessible to the public. It is however important that the public help define what they consider to be important to them as opposed to an approach which solely relies on the council determining what it thinks is important to people.

1.29 Much of the above information should be included in the council's constitution and constitution guide which it is required to prepare, publish and keep up to date by section 37 of the Local Government Act 2000. Separate guidance has been published about constitutions and the constitution guide.

1.30 The council's public participation strategy should include how it will improve the way it promotes awareness for example by:

- Improving the relevant sections of the council's website;
- Ensuring the council's forward plan supports public engagement by being accessible, timely and user friendly;
- Ensuring information for potential councillors is available and fit for purpose;
- Communicating through council publications, local media and social media, taking steps to use languages such as BSL and Braille;
- Information and support for schools;

- How individuals can submit positive comments to the council and the arrangements for making complaints about services or activities, including the role of the PSOW;
- Staff from across the council being involved in its design, development, review and revision so that all interactions with the public can be harnessed;
- Staff training and development on good practice engagement, encouragement to see the participation strategy as a living document with continuous opportunity for improvement;
- How it will measure progress in terms of public participation; and
- Providing information to individuals interested in standing to be a councillor.

Reviewing, revising and replacing the strategy

1.31 Encouraging and implementing measures to encourage public participation is a challenging aspect of council business. It is expected that as participation levels increase, the new partnership approach between the council and individuals and communities will present more ways of working together which may necessitate amendments to the strategy, which should be developed in conjunction with the public.

1.32 The council must review its public participation strategy as soon as possible following each ordinary election, but may review its strategy at any other time. When reviewing the strategy the council must consult local people, and others it considers have an interest in the strategy. Following a review, the council may revise its strategy, or replace it with a new strategy.

1.33 The council must publish the revised or new strategy as soon as possible setting out the changes and the rationale for those changes.

1.34 However, the public participation strategy should not be viewed as a static 'document', only reviewed and revised to a pre-determined timetable. It should be viewed as an opportunity to constantly learn and develop and a process should be in place to ensure learning and good practice can be captured and harnessed in between 'formal' reviews.

Matters to consider

Bringing together and joining up existing pathways for participation under the umbrella of the strategy

1.35 Principal councils already have numerous ways of enabling people and communities to get involved with their policy development and service delivery

and the way in which this informs the democratic processes of the council. . However, the participation strategy can add value to existing pathways by clearly identifying them, signposting them and recognising them as potential multi-use pathways that could enrich areas of the council's work which they may not previously have been designed to interact or connect with.

Examples of existing participation pathways include:

- Interactions generated through engagement with the guide to the constitution published under section 37 of the Local Government Act 2000, as amended by section 45 of the Local Government and Elections (Wales) Act 2021;
- Arrangements to support the delegation of functions to individual ward councillors under section 56 of the Local Government (Wales) Measure 2011;
- How the publication of future meeting dates of council, committee and scrutiny meetings and their forward work programmes support the public's knowledge of council business and therefore ability to engage with and participate in it;
- How policies relating to the co-option of members to council committees can support and enhance diversity of perspective;
- How arrangements for fulfilling the statutory duty in section 62 of the Local Government (Wales) Measure 2011 to take the views of the public into account work in harmony with and support the duty in section 39 of the 2021 Act;
- How arrangements for the public to make complaints and submit complements to the council can be interactive and include feedback on changes or actions that result (this should form part of the Governance and Audit Committee's function to review and assess the effectiveness of the council's ability to handle complaints effectively);
- How existing statutory participation pathways will be integrated within the strategy, such as those relating to equalities, future generations and planning;
- How the council's policies on the broadcasting of council meetings, including archiving, as required by section 46 of the 2021 Act support the public's awareness and therefore ability to engage with council decision making;
- Ensuring the work and engagement elected members undertake in their wards is recognised and incorporated into participation strategy;
- Connecting the enabling of members' annual reports under section 5 of the Local Government (Wales) Measure 2011 as a means of promoting awareness of the council's functions and the role of elected members;
- The Council's petition scheme and petitions submitted under it as required by section 42 of the 2021 Act;
- The council's duty under section 90 of the 2021 Act to consult local people on performance;
- Schools' engagement programmes and work to ensure young people are registered and made aware of their voting rights;

- Youth councils and youth cabinets;
- Focus groups and citizens' panels.

1.36 One of the functions of the role of the participation strategy is to coherently set out how these pathways contribute to and enable the public to participate in decision making. It should identify the added value of approaching participation in a holistic rather than piecemeal way. Mapping of existing pathways is also important to identify both gaps and potential connections which could strengthen the participation networks.

Making the best use of digital

1.37 Technology has advanced significantly during the last decade and there are many tools that, if used appropriately can help bring democracy closer to the public. It offers new ways of engaging, which can address previous limitations, rather than simply recreating traditional offline participation online. The use of digital services and communication across Wales varies, however, developing and maintaining the participation strategy provides the opportunity for councils to work together and share experience and learning as to what works. A participation strategy must set out the ways in which the council and the public can exploit the use of digital to maximise opportunities for effective participation.

1.38 The Covid-19 pandemic resulted in an increased awareness and use of digital, however these are technologies which present challenges in terms of training and awareness and a wide range of skills are needed to properly embrace digital participation. Councils should consider the cost benefits of investment in digital to promote engagement, including the investment in staff training and expertise required to make effective use of the opportunities digital presents. This is likely to mean taking a medium to longer term horizon for the realisation of benefits.

1.39 Participation strategies must include ways of promoting awareness amongst members of the principal council of the benefits of using social media to communicate with local people. This should be co-ordinated with the work of the Democratic Service Committees and its development of a member development strategy. Annual training reviews with individual members can be used to identify specific training needs but the participation strategy should set out how members will be involved in campaigns the council might run or support and how collective efforts of members can be harnessed on social media to promote and enable public participation. Separate guidance has been issued on member support, training and development and councils are reminded of their duties to ensure the well-being of their members is protected and, in particular, members are also provided with high quality training and information to deal with the challenges social media can bring in relation to threats and harm to personal well-being.

- 1.40 Digital is both a benefit and a barrier to diversity of participation and councils should be mindful of this when considering their approach to digital participation. Online channels can accommodate large volumes of participation thus allowing people with work, caring or other commitments to take their time to make their contribution at a time that suits them. However, it also has the potential to exclude some communities and people with protected characteristics from being able to participate in a way which is suitable or comfortable for them and so a mix of participation pathways should always be available.
- 1.41 This is because while digital communication offers significant benefits and opportunities to facilitate participation, the way it is implemented has the potential to exclude individuals. There are many reasons for this including physical and mental health conditions, accessibility of technology, lack of digital skills and socio-economic factors. Therefore, participation strategies must identify how the council will address these and other risks and ensure inclusivity.
- 1.42 Digital advances are likely to be a constant theme in society and it will be important for councils to enable staff to engage in exploration of new ways of working in a way that staff feel supported to try new ways of engaging. This will require appropriate safeguards to be put in place and the strategy should identify how any exploration will take place, how the public will be involved and how it will approach identifying and implementing safeguards.

Ensuring Equality and Diversity

- 1.43 This Welsh Government is committed to increasing diversity across all aspects of public life. This includes tackling the barriers which prevent individuals' active participation in local democracy and provision of local services.
- 1.44 Equality and diversity are fundamental to effective public participation. The public participation strategy must set out how the council will ensure the widest possible range of views from the public inform council business. This will require councils to go beyond what many describe as 'the usual suspects'.
- 1.45 Leadership and culture within councils is key to a successful partnership approach to participation. The baseline assessment councils conduct will assist in identifying existing routes to communication and engagement, while providing an opportunity to identify key communication gaps and opportunities to explore how the more hard to reach groups can be encouraged to participate. The use of representative groups, community leaders, ward councillors and charities can all provide important information about community networks. The involvement of such groups should be welcomed and form a key component of any public participation strategy.

- 1.46 The Equality Act 2010 provides a legal framework for protection against direct and indirect discrimination for people with protected characteristics. These include age, sex, disability and religion. Councils must ensure its strategy sets out how it will advance equality of opportunity through the establishing and maintaining relationships with individuals and groups with protected characteristics.
- 1.47 In respect of disability, the Welsh Government is committed to the Social Model of Disability. This is an important approach, which goes beyond the Equality Act 2010 and broadens the focus on disability by recognising that what makes someone disabled is not their medical condition, but the attitudes and structures of society which present barriers. This is a key distinction and the removal of societal and attitudinal barriers must form part of the public participation strategy.
- 1.48 There are many ways in which barriers, often not intentional, can present in normal council business. An example would be where there are time limits on contributions to be made at meetings. The conditions some people experience may not be in a position to put forward their views within that time frame and as a result feel frustrated and not heard. This is a simple example of a self-imposed council barrier to participation, there will be others which could be explored further with those effected.

Local Authority Meetings

- 1.49 Much of a council's work is undertaken through meetings both at full council and committees. There are a number of challenges councils face when determining the arrangements for these meetings including the timing of the meetings, opportunities for the public to attend and contribute and communication of the impact on communities and individuals as a result of the decisions made. While the majority of these meetings are open to the public, it is recognised that not everyone will be able to attend in person. It is therefore important that information about the items to be considered, the evidence base which will underpin discussions and the outcome is readily available to the public. The public participation strategy should be clear about the communication arrangements around all council meetings. Separate guidance about multi-location meetings has been published.
- 1.50 The 2021 Act requires principal councils to broadcast meetings of the full council live as they happen. This development will allow the public to follow the proceedings of the full council in real time from wherever they are, hear the contribution of their local representatives and understand the issues raised in respect of agenda items. The council is also required to make the broadcast available electronically for a reasonable period after the meeting. This should be

available for at least six months following the meeting. This should not be seen as a prohibition on councils to the broadcast of other meetings of the council. This is the first step in respect of broadcasting and the Welsh Government intends to extend this requirement to a number of other council committee meetings in the future. As part of its strategy councils should explore the views of the public about which of the council's committees they consider should be broadcast. This will require councils to ensure the public are clear about the nature and scope of each of its committees and sub committees.

Influencing decisions

1.51 A principal council must set out in its strategy how it will support people to express their views on decisions before and after they are taken. This could include, for example:

- Setting out arrangements for contacting a local councillor, or a relevant cabinet member or senior officer, to make representations directly – and how those representations will be responded to;
- Setting out how representations can be made at relevant meetings;
- Holding local meetings to discuss the issues with local people;
- Including mechanisms for individuals to identify issues for consideration through scrutiny (for example, through arrangements to support the public to suggest topics for scrutiny or opportunities to take part in the scrutiny process);
- Opportunities to make their views known via the council's website or social media channels, these should include opportunities for individuals to speak with 'real people' where appropriate rather than simply relying on automated responses or interaction.

Ensuring impact

1.52 The expected impact of participation should be integral to design, delivery and monitoring. Councils should consider impact in terms of:

- Inviting participation when thinking is still at a formative stage;
- Providing information that allows for informed consideration;
- Giving adequate time for consideration and response;
- Giving 'real' consideration to the results of participation before a decision is taken;
- Councils should set out how participation will influence the council's decision making, how the executive and relevant committees will be involved and what processes will be put in place.

1.53 Transparency should also be a key feature of these processes as should feedback to those participating about what the impact of their involvement has been. Feedback processes are integral to this so that people can understand and trust that their views were considered seriously and appropriately even though the outcome may not reflect or entirely reflect what they may have hoped for.

1.54 The strategy should therefore set out how this feedback cycle will operate in practice.

Approval and Review

1.55 The strategy should set out the arrangements for approval and review within the council and what the proposed review cycle will be. As noted above, it should also set out that the strategy is a living document and to that end processes for on-going review and improvement should also be set out, as well as 'formal' full review periods and processes. The strategy should also set out how it will be evaluated and how the council will incorporate learning from its self and panel assessments conducted under Part 6 of the 2021 Act into any resulting new or revised participation strategy.

2.0 Statutory Guidance on Petitions

Status of this Guidance

2.1 This is statutory guidance made under section 44 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act).

Purpose of this Guidance

2.2 This guidance is to support councils in the preparation and maintenance of petition schemes aimed at enabling communities to explore support for specific issues to inform council deliberations.

What the Act requires

2.3 Section 42 of the 2021 Act requires principal councils to make and publish a petition scheme setting out how the council intends to handle and respond to petitions including electronic petitions.

2.4 The petition scheme must as a minimum set out:

- a) how a petition may be submitted to the council;
- b) how and by when the council will acknowledge receipt of a petition;
- c) the steps the council may take in response to a petition received by it;
- d) the circumstances (if any) in which the council may take no further action in response to a petition;
- e) how and by when the council will make available its response to a petition to the person who submitted the petition and to the public.

2.5 A principal council must review its petition scheme from time to time and, if the council considers it appropriate, revise the scheme.

2.6 If a principal council revises or replaces a petition scheme, it must publish the revised or new scheme.

Designing a petition scheme

2.7 A petition scheme should not be considered as the sole method of receiving public views on matters. Its design and parameters should be set in the context of the council's public participation strategy and informed by the other participation pathways available to members of the public. Therefore, as part of a suite of pathways used as part of the council's wider public participation strategy, it can be a powerful tool in gauging support for specific courses of

action.

- 2.8 Well designed and resourced petition systems, working in conjunction and harmony with other participation pathways can have a range of benefits for the public and councils. For example, petitions enable communities to quickly highlight the issues which are of the most concern to them to the council, they can add weight to representations made by ward councillors on their behalf and provide a focus for community discussion. In turn, councils gain valuable insight into the concerns of their communities and can then support communities in addressing these issues.
- 2.9 Petitions should not be considered as a nuisance or threat and should be considered as a good opportunity to hear the views of the public, whether in support or not of something the council may be considering or intending to do.
- 2.10 Councils should, when designing petition schemes, think about the process from the point of view of petitioners, including understanding what petitioners might think “success” will look like at different stages in the process, and how the process can be made as transparent and streamlined as possible.
- 2.11 Councils should have regard to their statutory duties in respect of equalities, Welsh language and the Well-being of Future Generations (Wales) Act 2015 when preparing their petition scheme.
- 2.12 Petition schemes should be developed not just to ensure a fair and robust process but also to provide a helpful and positive experience for those people who take the time to submit and promote petitions. This is likely to involve consideration of the following issues:
- A clear explanation of the matters about which the council will accept petitions, including the criteria for making a decision to accept or reject a petition;
 - How and where advice will be given to petitioners to enable them to engage productively with the process, including measures in place for disabled people and individuals with long term health conditions and neurodiversity;
 - A clear understanding of the different stages in the petitions scheme, with an explanation of what thresholds will be used to determine the transition from one stage to another;
 - How petitions fit in with other opportunities for the public to be involved – and signposting to other opportunities, either as complementary to a petition or instead of it, including connecting the potential petitioner with their ward councillor;
 - The correct body to consider a given petition. It is right for petitions to be heard by a variety of different bodies, although the default is likely to be full Council

unless it is seen as especially useful for the petition to be heard by a committee that focuses specifically on the subject matter of the petition itself;

- Petition schemes will need to consider where petitions are considered in scrutiny committees. These committees have no power to act on petitions but could (for example) adopt petitioners' arguments as formal recommendations;
- The rights of petitioners to speak in meetings, and how this engages with wider public speaking rights, and rights to make deputations;
- How and within what timeframe the council will provide feedback to the petitioner on the success or otherwise of their petition.

2.13 Councils are encouraged to explore what would constitute good practice around the framework for petition schemes set out in this guidance. For example, what might be an appropriate signature threshold for the consideration of a petition and how and when this threshold would be kept under review. This would support a balance between local discretion based on the size of the council, the nature of the scheme and its relationship to other participation pathways in the council and consistency for the members of the public who may be engaged with multiple councils or move from one council area to another.

Part 4 – Guidance on constitutions, executives, scrutiny, governance and audit committees and conducting meetings

1.0 Statutory Guidance on Constitutions

Status of this Guidance

- 1.1 This is statutory guidance issued under section 38 of the Local Government Act 2000, as amended by section 45 of the Local Government and Elections (Wales) Act 2021. A local authority (a county or county borough council in Wales), elected mayor or an executive leader must have regard to it. This guidance replaces previous guidance relating to constitutions issued under this section in 2006.

Purpose of this Guidance

- 1.2 This guidance is to support councils in the preparation and maintenance of their constitutions.

Developing a Constitution

- 1.3 Under Section 37 of the Local Government Act 2000, each council operating executive arrangements is required to prepare, keep up to date and publish electronically a document known as the council's 'constitution'. This must include a copy of their standing orders, code of conduct and other information the council considers appropriate.
- 1.4 The Welsh Ministers issued separate guidance on Modular Constitutions for Welsh councils in 2001. This is regularly updated by Lawyers in Local Government and the WLGA and remains a valuable resource for local authorities.

Content of the Constitution

- 1.5 Councils should ensure their constitution is easy to use and understand. It will also be supplemented by a constitution guide (see The Constitution Guide below). Councils should in particular make sure parts of the constitution which deal with related issues are cross-referenced. In considering their constitution, councils should have regard to their statutory duties in relation to the Welsh language, the Well-being of Future Generations (Wales) Act 2015, equalities, including the public sector socio economic duty, and also that they are now required to publish their constitutions electronically.

1.6 The constitution must include:

- Such information as the Welsh Ministers may direct, this currently includes information with respect to the discharge of all the council's functions as directed by the Local Government Act 2000 (Local Authority Constitution) (Wales) Direction 2023 made under section 37(1)(a) (annexed to this guidance);
- A copy of the authority's standing orders;
- A copy of the authority's code of conduct for members (including co-opted members); and
- Such other information as the authority considers appropriate.

1.7 The Local Government Act 2000 (Local Authority Constitution) (Wales) Direction 2023 provides that a constitution must specify the roles of the full council. The arrangements for the discharge of non-executive functions should be a statement of who or which body within the council is responsible for the discharge of non-executive functions, (as described in the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 made under Section 13(3)(a) of the Local Government Act 2000) together with a description of the role of the full council. The constitution must be clear as to how decisions are taken, who takes them, which decisions are delegated and to whom and how the decision to delegate is made. Decisions involving significant and/or controversial matters must not be delegated to officers.

1.8 There is considerable scope for local choice and diversity in the content of the constitution and the way in which it operates. Many of the matters to be included in the constitution may also be included in an authority's standing orders.

1.9 There will be other matters governing the conduct of the authority's affairs which will not be included in standing orders, executive arrangements, the arrangements for the discharge of non-executive functions, the code of conduct for members or the code of conduct for officers. Councils may, if they choose, include any of these other matters in their constitution.

1.10 For example, a council should include a description of locally developed protocols governing the relationships between the executive, other councillors and officers. The constitution should be clear these relationships must be constructive and respectful at all times. Also, as well as enabling informal routes for disagreements between members to be addressed, the constitution should provide routes for officers to seek informal resolution of difficulties in relationships with members without the need to escalate to formal processes. The code of conduct for officers should make clear that that code of conduct is incorporated into the officers' contract of employment. It should also be clear that, once informal routes have been exhausted, statutory processes must be followed in

relation to any disciplinary action relating to officers falling within the remit of the Local Authorities (Wales) Standing Order Regulations 2006.

1.11 Other matters councils should consider including and / or taking into account in their constitutions include:

- The need for a “preamble” (or introduction) to the constitution, setting out the important principles that underpin the constitution’s contents and recognising the council’s broader obligations to local democracy and local people;
- The relationship between Articles of the constitution and more detailed rules of procedure (if this is the structure that a Council chooses to use to organise its constitution);
- The way in which informal discussions between members and officers inform and influence formal decision-making at the council;
- The way the council makes decisions in partnership with other councils and other bodies, in particular through public service boards, regional partnership boards, corporate joint committees, and any joint committee established under the Local Government Act 1972;
- How the council will appoint members to national park authorities and fire and rescue authorities and how those members will update the council on their work;
- The working arrangements and relationship with community and town councils in the council’s area;
- Rules of procedure which relate to high profile issues – for example, the full council procedure rules, including the arrangements in place for the electronic broadcasting of those meetings and the archiving and retention of the broadcasts;
- Financial procedure rules;
- Details on arrangements relating to public participation in relation to duties included in sections 39 to 41 of the Local Government and Elections (Wales) Act 2021;
- The arrangements for dealing with complaints including interaction with the PSOW;
- The needs of equality, diversity and inclusion and the statutory duties related to these and the Welsh language. This relates not only to ensuring that constitutional documents are themselves accessible, but that rules and procedures take account of the needs of people with a wide range of needs. For example, parts of the constitution that relate to the public’s right to be involved in decision-making should take account of these needs;
- Councils’ duties relating to the Well-being of Future Generations (Wales) Act 2015. Councils’ overall legal obligations under this Act are well understood, but it also has implications, for example, through the ways of working, for how

councils make formal decisions, and how scrutiny and oversight systems operate;

- The way the council will fulfil its obligations under the UK General Data Protection Registration (UKGDPR) when dealing with personal information.

1.12 Importantly, the constitution should be drafted as a flexible document. For example, it should not be necessary to produce a revised constitution every time an ad-hoc committee or sub-committee is appointed to undertake a particular task. However, this needs to be balanced against the need for a constitution to be detailed enough so that anyone who has dealings with the council can use it to determine who is responsible for the matter with which they are concerned.

Availability of the Constitution

1.13 The Act requires that copies of the constitution are published electronically and available at the council's principal office for inspection at all reasonable times. Members of the public should be able to take away copies of the constitution for free or charge representing no more than the cost of providing the copy a reasonable fee. It is also recommended that local authorities should make copies of the constitution available more widely, for example at all their offices, libraries, community buildings etc.

Review and Revisions to the Constitution

1.14 The council's constitution should be kept up to date at all times. Councils should review the constitution regularly to make sure it continues to be fit for purpose, with these reviews being led by councillors, and supported by the council's monitoring officer in consultation with the head of democratic services.

1.15 In considering their arrangements for the ongoing review and revision of their constitution councils should consider:

- Whether the council constitution will permit the monitoring officer to make "minor" amendments and what constitutes a minor amendment, for example the updating of a reference to legislation. Full reviews and major amendments must be agreed at full Council. Councils may wish to systematise this process, by linking it more formally to the annual general meeting to ensure that the constitution is kept under regular review;
- Arrangements for councillor "ownership" (that is, a clear sense that councillors are responsible for making sure that the constitution is of a high quality). This matter of ownership is important. Ownership must be held by full council; but detailed work can be led by a named committee. Whichever formal space is designated it is important that councillors have regular opportunities to reflect on the strength of the governance framework, of which the constitution forms a central part.

- 1.16 An individual councillor may propose additions, amendments, suspensions or withdrawals to the council's constitution, but in doing so would have to declare any interest they have before obtaining a decision of the full council. Any proposal should also be accompanied by advice from the Monitoring Officer to full Council (or any committee or member considering potential changes).
- 1.17 All proposed changes, unless previously agreed as being 'minor' have to be debated by the full council and require a majority vote of those members voting to be accepted.
- 1.18 Any changes the council has resolved to make will come into immediate effect unless the decision specifies otherwise.
- 1.19 The published constitution should be amended within 5 working days of the making of a resolution to ensure the most up to date version of the constitution is always available.

WELSH GOVERNMENT

**The Local Government Act 2000 (Local Authority Constitution) (Wales)
Direction 2023**

1. The Welsh Ministers, in exercise of the power given to them by sections 37(1)(a) of the Local Government Act 2000 (“the Act”), directs each county and county borough council (“local authority”) in Wales that the document which they must prepare and keep up to date in accordance with section 37(1) of the Act and referred to in that section as their constitution must contain the information specified in the Schedule.
2. This direction will have effect from to be confirmed.
3. The Local Government Act 2000 (Local Authority Constitution) (Wales) Direction 2001 is revoked.

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Minister for Finance and Local Government

The Schedule

Specified Information

1. A summary of the constitution.
2. The roles of members and (if applicable) of the elected mayor including:
 - 2.1 Their election and terms of office;
 - 2.2 The rights and duties of all members and (if applicable) of the elected Mayor, including the application of family absence for members.
3. The roles of the full council including:
 - 3.1 The functions and actions which are reserved to the full council; and
 - 3.2 The different types of council meeting and the rules governing the proceedings of those meetings, including the arrangements for multi-location meetings and for their electronic broadcast where this is required on a statutory basis or undertaken voluntarily.
4. The roles of the chairperson or presiding member of the council, and their respective deputies.
5. The roles of overview and scrutiny committees including:
 - 5.1 The terms of reference of each of the committees;
 - 5.2 The general and specific roles of each of the committees;
 - 5.3 The rules governing the proceedings of the committees; and
 - 5.4 The arrangements in place for the consideration of and response to their reports by the full council and/or the executive.
6. The roles of the standards committee and of any sub-committee of that committee including:
 - 6.1 The membership of the committee and any sub-committee;
 - 6.2 The roles, functions, rights and duties of the committee and any sub-committee;

- 6.3 The rules governing the proceedings of the committee and any sub-committee; and
 - 6.4 The arrangements in place for the consideration of and response to their reports by the full council and/or the executive.
7. The roles of any area committees including:
 - 7.1 The membership, terms of reference and functions of the committees;
 - 7.2 The rules governing the proceedings of the committees; and
 - 7.3 The arrangements in place for the consideration of and response to their reports by the full council and/or the executive.
8. The roles of the governance and audit committee and of any sub- committee of that committee including:
 - 8.1 The membership of the committee and any sub-committee;
 - 8.2 The roles, functions, rights and duties of the committee and any sub-committee;
 - 8.3 The rules governing the proceedings of the committee and any sub-committee; and
 - 8.4 The arrangements in place for the consideration of and response to their reports by the full council and/or the executive.
9. The roles of the Democratic Services Committee and of any sub-committee of that committee including:
 - 9.1 The membership of the committee and any sub-committee;
 - 9.2 The roles, functions, rights and duties of the committee and any sub-committee;
 - 9.3 The rules governing the proceedings of the committee and any sub-committee; and
 - 9.4 The arrangements in place for the consideration of and response to their reports by the full council and/or the executive.

10. In the case of a local authority which is operating executive arrangements as defined by section 10(1) of the Act the roles of the executive and of members of the executive including:
 - 10.1 The roles, functions, rights and duties of members of the executive and assistants to the executive, including the maximum number of assistants that may be appointed;
 - 10.2 The roles, functions, rights and duties of any elected mayor and any deputy mayor;
 - 10.3 The allocation of responsibility for the exercise of social services functions including responsibility for looked after children;
 - 10.4 The process for the appointment and removal of members of the executive and assistants to the executive;
 - 10.5 The rules governing the proceedings of the executive, including the arrangements for multi-location meetings;
 - 10.6 The arrangements for determining and managing the job sharing of executive posts, including the executive leader in relation to managing, and the manner in which this will be considered when allocating seats on committees which include a seat for members of the executive, such as the governance and audit committee and the democratic services committee, to which the political balance rules apply. In the case of the executive leader, the arrangements must set out how an election for executive leader will be undertaken where one or more of the potential office holders seeking that office are seeking it on the basis of job sharing arrangements.
11. Particulars of any arrangements for the discharge of any functions by individual members, another local authority, including corporate joint committees, or for the exercise of any functions jointly with another local authority including:
 - 11.1 The nature of the arrangements and the functions to which they apply;
 - 11.2 The membership of any joint committees and sub-committees;
 - 11.3 The rules governing the proceedings of any joint committees and sub-committees; and
 - 11.4 Details of any contracting out arrangements.
12. The roles of officers of the local authority including:

- 12.1 The management structure of the local authority;
 - 12.2 The functions of the chief executive, the monitoring officer, the head of democratic services and the chief finance officer (section 151 officer);
 - 12.3 The code of conduct for officers;
 - 12.4 The arrangements for recruitment, appointment, remuneration, dismissal and disciplinary action in relation to officers, including officers covered by the Local Authorities (Wales) Standing Order Regulations 2006 and the council's pay policy statement;
 - 12.5 Details of delegations of functions to officers; and
 - 12.6 Protocols for managing constructive and respectful relationships between officers and members, including informal and formal processes for handling disputes and complaints.
13. The principles and processes for efficient, transparent and accountable decision making within the council and access to information about decision making including rules of procedure for decision making and access to information in respect of the full council, its committees and sub-committees, the executive, overview and scrutiny committees and officers.
 14. The confidential reporting procedure with references to the authority's codes of conduct for members and employees respectively.
 15. The rules and regulations governing finance, contractual and legal matters including:
 - 15.1 Audit procedures;
 - 15.2 Contracts and procurement rules and procedures including authentication of documents; and
 - 15.3 The rules governing legal proceedings by and against the local authority.
 16. The arrangements to fulfil the duties under sections 91, 92 and 93 of the Local Government and Elections (Wales) Act 2021 to report on the council's performance and to arrange and respond to a panel assessment.
 17. The rules and procedures for review and revision of the constitution.

18. Provisions for the suspension and interpretation of the constitution and elements of it.
19. The statutory derivations of all of the provisions of the constitution (i.e. the powers and duties under which they are made).

2.0 The Constitution Guide Statutory Guidance

Status of this Guidance

- 2.1 This statutory guidance is issued under section 38 of the Local Government Act 2000. A local authority (a county or county borough council in Wales), elected mayor or an executive leader must have regard to it.

Purpose of this Guidance

- 2.2 This guidance accompanies the requirement set out in section 38 of the Local Government Act 2000, as amended by section 45 of the Local Government and Elections (Wales) Act 2021. This section requires councils to publish electronically and keep up to date a guide which explains in ordinary language the content of their constitution.

What is the Guide?

- 2.3 Councils must produce and publish a guide to their constitution. A guide to the constitution is not the same thing as a guide setting out how the council works, although there is likely to be some overlap, nor is it an annotated index of the constitution itself. Councils are likely to already hold material on their website explaining key aspects of their operation, which could be used to form this guide.

Consultation and matters to be taken into consideration when preparing the guide

- 2.4 How to prepare an effective constitution guide should form part of the council's strategy on encouraging public participation in decision making by the council prepared under sections 40 and 41 of the Local Government and Elections (Wales) Act 2021. Councils could speak to local people, and to voluntary organisations representing local people, to understand what it would be most helpful to put in the constitution guide.
- 2.5 Councils should also have regard to their statutory duties in respect of equalities, Welsh language and the Well-being of Future Generations (Wales) Act 2015 when preparing their constitution guide. Councils should involve and consult a wide range of people and groups from diverse backgrounds before publishing the final guide.
- 2.6 An effective constitution guide will be one that understands the different interactions local people are likely to have with the council, and with local democratic systems, and which focusses in more detail on those interactions. It

may bear some similarity with some of the introductory information on councils' websites describing how the council operates.

2.7 For example, a guide could provide particular detail on:

- The rights of the public to access information about the council (including the right to inspect accounts, and other formal documents);
- Rights of access to meetings, and public speaking rights; and
- Arrangements for petitions.

The Welsh Local Government Association and Lawyers in Local Government have produced a model guide to the constitution which councils may find helpful.

3.0 The Exercise of Functions by Councillors Statutory Guidance

Status of this Guidance

- 3.1 This is statutory guidance made under Section 56 of the Local Government (Wales) Measure 2011 (the Measure). This replaces previous guidance issued on this matter.

Purpose of this Guidance

- 3.2 This is statutory guidance issued in accordance with section 56(6) of the Measure to which the county or county borough council or senior executive member of the local authority must have regard in making arrangements under section 56.
- 3.3 Powers under section 56 are optional in nature but those councils that decide to use them may have regard to this guidance to assist them.
- 3.4 By giving more autonomy to elected members in their local area, section 56 enhances councillors' ability to resolve issues and problems on behalf of their residents.

Introduction

- 3.5 The Measure includes powers for councillors to help them tackle issues and resolve problems in their local ward.
- 3.6 Section 56 enables councils to make arrangements for functions to be exercised by individual councillors to allow them to make decisions at an electoral ward level that may result in improvements in their local areas.
- 3.7 Arrangements under this section provide for a non-executive member to exercise those functions in relation to the electoral ward for which the member has been elected, or to exercise functions in relation to their official membership of an outside body.
- 3.8 This guidance seeks to outline potential positive benefits from delegating functions to elected members both within their role as ward members and as the council's official representative on outside bodies. The aim is to support elected members in being the voice of their community within the council and the voice of the council in their community.

What the Measure says about exercise of functions by councillors

- 3.9 Section 56 gives powers to local authorities to formally delegate powers to individual councillors to carry out any function of the authority. With regard to the range of functions that may be exercised by non-executive councillors, section 56 allows local authorities flexibility to develop arrangements which may best suit their individual preferences. This includes enabling local authorities to delegate both executive functions and other council functions to non-executive councillors.
- 3.10 Section 56(1) provides that the senior executive member of a local authority may make arrangements for a non-executive member of the authority to exercise a function of the local authority which is the responsibility of the executive. Section 56(2) provides that a local authority may make arrangements for a non-executive member of the authority to exercise any other function of the authority.
- 3.11 However, councils will need to be mindful that section 56(3) stipulates that local authorities may only delegate functions to non-executive members –
- (i) in relation to the electoral ward for which the non-executive member is elected, or
 - (ii) in relation to the non-executive member's official membership of a body other than the local authority.

Purpose and objectives of section 56

- 3.12 The intent behind the provision is to provide councils with a wider range of opportunities to make effective use of elected members' representational role, this could now also be considered in conjunction with the duties placed upon councils in sections 39 to 41 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act) to encourage local people to participate in decision making.
- 3.13 It could also be a way of supporting elected member training and development. For example, councils may wish to use the provision as a means to create developmental 'on-the-job' learning initiatives for non-executive members in instances where they may be utilised as council representative on outside bodies such as local health boards, housing associations, voluntary organisations, trusts or agencies. Such 'learning by doing' would be a chance to further councillors' skills and knowledge in a given area and broaden the council's overall pool of experienced elected members.
- 3.14 For those outside bodies where more than one member is appointed, councils may wish to delegate functions in a way which empowers non-executive members on occasions where the executive member may be absent.
- 3.15 In these instances, it would be important for the council to ensure those non-executive councillors to whom functions had been delegated receive the support

and developmental opportunities necessary for them to successfully fulfil their role.

3.16 As a means to provide the necessary transparency and accountability for delegated functions, section 100EA of the Local Government Act 1972 (as amended by section 57 of the Measure) provides the Welsh Ministers with powers to make regulations to require councils to publicly record decisions made under section 56 of the Measure. This is in order to give the public information about the work undertaken by councillors within their wards. The Welsh Ministers have not exercised this power however councils are encouraged to publish these decisions as a matter of good practice. Councils may also wish to publish delegated decisions of councillors as part of their annual review process.

3.17 Although section 56 gives broad powers to delegate any local authority function to an individual member, there are obviously some functions that will be more appropriate than others. It would not be appropriate to delegate powers which are specified as specifically not to be exercised by the executive or not to be exercised solely by the executive in the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 as these functions are intended to be exercised by the membership of the council as a whole or one of its committees. Also it would not be appropriate to delegate functions requiring a council wide strategic approach such as social care. But, delegated powers could be used to allow councillors to play a more active role in a wide range of policy areas.

3.18 For example, functions that could be delegated may include:

- Powers to effect repairs or improvements to streets. This could include road calming measures or street lighting;
- Powers to develop and oversee youth activities within the area of an electoral ward.

Factors to consider when delegating powers

3.19 When considering whether or not to delegate functions to non-executive members, councils may wish to give thought to the following issues in relation to members:

- What value can be added by delegating powers? What specific local problems will be able to be tackled as a result?
- Would councillors need additional support such as legal advice in the discharge of delegated functions?
- How will members be supported if their decisions are challenged, for example, by judicial review?

- How will councillors publicly record decisions made using their new powers?
- Integrating the learning and participation generated through the delegation in to wider initiatives and strategies including statutory ones to strengthen them; and
- How the delegations support the council in meeting statutory duties in relation to equalities, Welsh language, the Well-being of Future Generations (Wales) Act 2015 and the duty to encourage participation in the 2021 Act.

3.20 For officers, in supporting elected members discharge delegated functions, things to think about include:

- Working more closely with councillors to develop their knowledge and skills;
- Providing advice and reports to ensure delegated powers are used effectively and in accordance with duties placed upon the council, including advice on statutory duties such as those contained in the Well-being of Future Generations Act (Wales) 2015, the Welsh Language (Wales) Measure 2011 and the Equality Act 2010;
- Will members need legal advice and support to discharge the delegated functions?
- How will members be supported if their decisions are challenged, for example, by judicial review?
- How will the decisions made by councillors with delegated functions be officially recorded?
- Implementing decisions that are made under delegated powers;
- Developing processes to appropriately record decisions made by a councillor under these powers.

Some practical considerations

3.21 Practically speaking, most local authorities will probably wish to amend their constitutions to put in place arrangements for delegating powers to councillors. Councils may wish to utilise existing procedures used to delegate powers to cabinet members when developing frameworks for delegating functions to non-executive members. In particular, any decisions made by non-executive members using delegated functions should be subject to the same call-in procedures as relate to executive functions more generally. Further options councils may wish to adopt include:

- Establishing enabling powers in their constitution for the purpose of delegating powers to non-executive members to be used as and when needed; and
- Using delegated powers to tackle specific area based issues in response to local challenges.

3.22 It is for councils to decide the extent and means by which they wish to use the powers under section 56. It is advised that councils should develop a protocol to define when and under what conditions a function will be delegated to a non-executive member. Also, that the training, development and support the councillor might require to undertake the role is considered as part of their annual training review. When making arrangements to delegate powers, councils should take into account the need to avoid the possibility of allegations of favouring councillors of a particular political persuasion. In multi-member wards, local authorities should make the same arrangements for delegated functions including any associated budgetary arrangements to apply to each elected member or to none.

Multi-member Wards

3.23 The powers in the Measure relate to individual councillors but local authorities may need to put arrangements in place to ensure that delegated powers are used jointly by all members representing a particular ward especially if those members are from different political parties.

3.24 If functions are delegated to councillors within the same ward, councils may wish to produce guidance and support aimed at ensuring decisions undertaken in wards are co-ordinated and complementary in improving outcomes for local people.

Links with Councillor Calls for Action (CCfA)

3.25 Where councils have decided to take advantage of the powers under section 56, they will find that there are some close links with CCfA. Members exercising delegated powers may find that they have more opportunities to resolve issues locally without having recourse to CCfA. CCfAs on particular issues may encourage councils to use section 56 to delegate powers to members to resolve those issues locally.

4.0 Council Executives Statutory Guidance

Status of this Guidance

4.1 This guidance is statutory guidance issued under section 38 of the Local Government Act 2000 and a county or county borough council, elected mayor or executive leader must have regard to it. This section was amended by section 59 of the Local Government and Elections (Wales) Act 2021 to provide for Welsh Ministers to issue guidance under section 38 which ‘may among other things, include provision designed to encourage good practice in relation to equality and diversity (within the meaning of section 8(2) of the Equality Act 2006).’

Purpose of this Guidance

4.2 The purpose of this guidance is to require the executive leader of a council to take into account diversity when appointing their cabinet. The aim is to support and encourage decision making in the executive which understands and reflects the diversity of the communities in the council area.

4.3 This guidance also requires council executives to take a proactive, positive and constructive approach to its interactions with scrutiny in the council.

Diversity in Cabinets

4.4 When establishing their cabinet the executive leader or elected mayor must have regard to statutory duties relating to equalities and the Welsh language. This includes consideration of the protected characteristics set out in the Equalities Act 2010, including the public sector duty to have due regard to the need to reduce the inequalities of outcome resulting from socio-economic disadvantage.

4.5 The leader or mayor must consider how their appointments to the cabinet reflect and support the diversity of the communities in the council area and as far as possible try to reflect this diversity. This is to ensure decision making in the executive is informed by a wide range of perspectives and experiences. The Local Government and Elections (Wales) Act 2021 (the “2021 Act”) provides executive leaders with opportunities to increase the diversity in their cabinet through the use of job sharing arrangements and/or the appointment of assistants to the executive.

4.6 When appointing two or more members to a job sharing arrangement the leader must not make the cabinet role covered by the job sharing arrangement of such a size that it could not reasonably be undertaken by a single cabinet member working on their own. The workload of the role must not increase simply because two or more members will now be undertaking it. The purpose is to support

diversity, including through succession planning, to enable members to genuinely share the role.

Job Sharing Executive Leaders and Executive Members

- 4.7 Section 58 of the 2021 Act amends the Local Government Act 2000 to require councils with executive arrangements to make provision enabling two or more councillors to share office on that executive, including the office of leader of the executive. It is envisaged, that the most likely scenario in the case of the leader of an executive, is that two or more members would mutually make an arrangement to stand for election as executive leader on the basis of a job-sharing arrangement. The executive procedures and council procedures must provide for this.
- 4.8 In the case of executive members, it is for the executive leader to determine appointments to the executive based on the arrangements set out and agreed in the council's constitution. The constitution must set out the parameters for the operation of job-sharing arrangements in the executive. The number of executive posts (including that of executive leader) that can be filled on a job-sharing basis is limited to three by the 2000 Act. This is to ensure that in councils with a smaller number of members there are still sufficient members to provide proper scrutiny of the executive.
- 4.9 When making appointments on a job-sharing basis the executive leader should consider matters including how:
- This could increase the diversity in the executive to best reflect the diversity in the council's area;
 - Job-sharing members will be supported to ensure they can maintain a reasonable work life balance; and
 - Those arrangements may offer opportunities for succession planning in the executive.
- 4.10 The terms of the job-sharing arrangements should be clear and agreed in advance. Members of the job sharing arrangement, their cabinet colleagues, other elected members and officers will need to understand how the responsibilities of the cabinet role subject to the job sharing arrangement are to be discharged. Job-sharing arrangements should not be used solely as a means of increasing the number of executive members or to create roles for job-sharing members which equate to workloads greater than if the cabinet position was held by an individual member. However, one member of the arrangement focusing on some aspects of the role and another member focusing on others enables skills and knowledge to be utilised to best effect.

- 4.11 In the case of both job-sharing executive leaders and job-sharing executive members, the two or more members in the job-sharing arrangement are to be treated as one member when attending a meeting in their capacity as members of the executive for voting purposes and for the purposes of determining whether a meeting is quorate. The exception is where one member of a job sharing arrangement makes a declaration of interest and has to recuse themselves from the meeting and voting, the other member or members of the arrangement may remain and exercise the vote ascribed to the job share arrangement.
- 4.12 Should two or more of the members in a job-sharing arrangement attend a meeting in their capacity as executive members they should both be recorded as having attended the meeting and they both may speak at the meeting. However, should the meeting require a vote to be cast, they must decide between them in advance who will cast their vote and inform the chair of the meeting. There is then a careful balance to be struck between pre-determination and proper preparation for the meeting amongst the job-sharers which should include an exploration on their position, what questions they may have on the matter and what further information they might wish to see, in the same way that it would be expected they would manage all aspects of their job-sharing arrangements to ensure continuity and consistency of approach between themselves.
- 4.13 If one member of a job-sharing arrangement attends a meeting in their capacity as a member of the executive and the meeting requires a vote then the attending member must cast their vote taking into account preparatory discussions with their job-sharing partners.
- 4.14 Where a member of a job-sharing arrangement casts a vote at a meeting they have attended which is subsequently identified as contrary to any preparatory discussions between job-sharing partners, unless the contradiction is attributable to debate and discussion in the meeting, then that vote may be treated as invalid for the purpose of decision making, as the vote is allocated to the job-sharing arrangement and not to the individual member of that arrangement who has attended the meeting.
- 4.15 It will be for each council to determine the appropriate course of action at that point, based on the specific circumstances, to ensure integrity of decision making is maintained. Councils should explain the significance of this aspect of job-sharing clearly to any members participating in executive job-sharing arrangements in advance and it should form part of induction and training for executive members.
- 4.16 As noted above, councils and job-sharing members should recognise that the successful operation of job-sharing arrangements will require the establishment of effective working arrangements from the outset and high levels of trust

between the job-sharing members. The working arrangements should include how disputes between job-sharers will be resolved.

- 4.17 Councils will need to consider how they communicate the position in respect of job-share arrangements to external organisations to which job-sharing members are appointed in their capacity as an executive member.
- 4.18 Councils must consider the implications for political balance requirements for those committees which are subject to political balance requirements and on which a job-sharing member of the executive may sit i.e. the Governance and Audit Committee and the Democratic Services Committee. This will require consideration where a job-sharing arrangement consists of members from more than one political group or a political group or groups and an unaffiliated member or members (where an unaffiliated member is a member not registered with the proper officer as being a member of a political group for the purposes of sections 15 to 17 of the Local Government and Housing Act 1989).
- 4.19 The treatment of job-sharing partners as if they were one member for the purposes of voting and quorums for meetings they attend as executive members does not extend to meetings they attend in their roles as members of the council.

Assistants to the Executive

- 4.20 Section 57 of the 2021 Act amends the 2000 Act to provide for the appointment of assistants to the executive. The aim is to support diversity by enabling members who might not be in a position to take up a full time executive role because of personal or other circumstances to have the opportunity to learn and develop. Whilst not members of the executive, assistants can attend and speak at executive meetings or at committees of the executive and could bring valuable diversity and insight into discussions.
- 4.21 The Council's constitution, which must be agreed by the full council, and its executive arrangements must include provision as to the number of assistants to the executive that may be appointed, their term of office and their responsibilities. Again, there should be a clear purpose to the appointment of assistants to the executive, and these appointments should not be used solely as a means of increasing the number of members able to make a contribution to the running of the executive.
- 4.22 The 2000 Act (as amended) provides that neither the chair nor the vice-chair of the council nor the presiding member, or deputy presiding member can be appointed as assistants to the executive.

4.23 Whilst assistants to the executive are not members of the executive, they are treated as if they are members of the executive for the purposes of the allocation of seats on scrutiny committees where neither members of the executive nor assistants to the executive can be members. Likewise, the committees which are able to include one member of the executive, the Governance and Audit Committee, the Democratic Services Committee and the Standards Committee, can only have a member of the executive OR an assistant to the executive as part of their membership (Schedule 6, to the Local Government and Elections (Wales) Act 2021 and The Local Government and Elections (Wales) Act 2021 Consequential Amendments (Job-Sharing and Assistants to the Executive) Regulations 2022).

Scrutiny and Call-ins

4.24 Cabinets should recognise the importance of effective scrutiny for the good governance of the council overall and reflect this in their constitutions. They should respond promptly and constructively to requests from scrutiny for information, attendance at meetings and other reasonable requests.

4.25 Executives should note that Section 65 of the Local Government and Elections (Wales) Act 2021 amended section 22(10) of the Local Government Act 2000 which provides Welsh Ministers with a power to make regulations which include provision for or in connection with requiring prescribed information about prescribed decisions made in connection with the discharge of functions which are the responsibility of a local authority executive to be made available to members of the public or members of the authority to include an overview and scrutiny committee of the authority or a sub-committee of such a committee. This is intended to convey the seriousness which Welsh Ministers attach to effective co-operation and information sharing between the executive and scrutiny and its place at the heart of the good and effective governance of the council.

4.26 Cabinets should set the tone for organisational commitment to effective scrutiny by ensuring there is parity of esteem between scrutiny and the executive and encouraging scrutiny to operate in a cross party constructive manner.

4.27 Cabinets should respond promptly and respectfully to recommendations from scrutiny explaining whether the recommendation will be accepted or rejected, the reasons for these decisions and what actions will be taken. Cabinets should publish their response electronically and the response should be available to the public except for matters exempt from publication.

4.28 Cabinets should be open to the need for appropriate use of call-ins and respond in a prompt and constructive manner to such requests. Cabinets should support

the design of effective and proportionate call in rules which do not make call-ins overly difficult or impossible.

4.29 Leaders and cabinets should also be respectful and mindful of the role of statutory officers such as the chief executive, the monitoring officer and the section 151 officer and their appointment by and role in serving the council as a whole. In exercising their functions, leaders and cabinets must remain within the parameters of the statutory framework and the council's own constitution. They must respect the role council officers play in advising them of these parameters and the interaction of this role with the scrutiny process and decisions required either by statute or the council's constitution to be taken by the full council.

5.0 Political Assistants Non Statutory Guidance

Status of the guidance

5.1 This is non-statutory guidance on the appointment of political assistants to political groups.

Purpose of this guidance

5.2 The purpose of this guidance is to explain provisions in the Local Government and Housing Act 1989 relating to the appointment of political assistants and to encourage councils to be open and transparent regarding the role and activities of the political assistants they employ.

Political Assistants

5.3 Local authority political assistants are local government employees who undertake research and provide administrative support for the main political groups within an authority.

5.4 The existence of these posts allows a separation of professional officer and political roles and can enable the provision of advice to councillors that local authority officers are prevented from providing.

5.5 [Part I of the Local Government and Housing Act 1989](#) sets out the framework regulating the appointment and conduct of political assistants.

5.6 Under section 2 of the 1989 Act, the post of political assistant in a local authority is politically restricted. This means that, like other politically restricted posts, the post-holder cannot stand for election, act as an election agent or sub-agent, be an officer of a political party, manage a party or branch of a party, and cannot canvass on behalf of a political party or candidate for election.

5.7 Political assistants are, however, permitted to speak to the public with the intention of affecting support for a political party, but their actions must not give the impression that they are acting as the representative of the political party.

5.8 Political assistants are also able to publish or cause to be published written work or other material intended to affect public support for a political party, but they must not give the impression that the publication is authorised by the political party.

5.9 These rules were adopted to address concerns about political impartiality, conflict of interest and the use of taxpayer funds for political purposes in councils.

Further details on the restrictions in place can be found in the [Local Government Officers \(Political Restrictions\) Regulations 1990](#).

5.10 The restrictions take the form of terms and conditions that are deemed to be incorporated into those officers' terms of appointment and conditions of employment. The restrictions applicable to all holders of politically restricted posts are set out in [Part I of the Schedule](#) to the Regulations. [Part II of Schedule](#) provides for further terms and conditions for political assistants.

Appointments

5.11 Under [section 9 of the Local Government and Housing Act 1989](#), a local authority may appoint up to 3 assistants for political groups subject to stringent conditions and safeguards.

5.12 The 3 largest political groups in each authority qualify for a political assistant if the membership of the group consists of at least 10% of the membership of the authority. The exception is where only one political group accounts for at least 10% of the membership, in which case the next biggest group also qualifies.

5.13 No appointments can be made until posts have been established for all qualifying groups, however, only one post can be appointed to a political party.

5.14 Under [section 7 of the Local Government and Housing Act 1989](#) employees of a local authority must be appointed on merit. Section 9 provides an exception to this principle. The appointment of each political assistant is down to the political group each post (political assistant) is to represent. The appointee can take account of the candidate's political activities during the selection process, although the posts are 'politically restricted' (as described above).

5.15 Once appointed line management responsibility for political assistants should be assigned to one of the authority's senior officers. However, in practice, political assistants' day to day work will be determined and managed by the relevant political group and its political group leader. Authorities should therefore consider how any conflicts or disputes will be resolved, perhaps through the development and agreement of a protocol.

Remuneration and contracts

5.16 It is for the authority to determine the salary payable, however, it is expected that local authorities show restraint and allow pay increases in a proportionate manner in line with wider local government pay.

[The Local Government \(Assistants for Political Groups\) \(Remuneration\) \(Wales\) \(Amendment\) Order 2019 \(legislation.gov.uk\)](#) sets the maximum level of potential pay that political assistants can be paid.

5.17 Under [section 9\(4\)\(b\) of the Local Government and Housing Act 1989](#) the maximum salary set by regulations is a full-time equivalent figure so it is not possible to pay an annual salary at an hourly rate for part-time hours if this would breach the maximum amount stipulated if the political assistant were to work full-time.

5.18 The contract of employment must terminate at or before the annual council meeting following the first elections after the person was appointed. However, this does not prevent the post holder being reappointed for a further term. The local authority cannot delegate any functions to an assistant, and no other authority officer can be required to work under the direction of an assistant (other than in respect of secretarial or clerical services).

Openness and transparency

5.19 Each local authority is under a duty to draw-up and regularly update a list of posts which are politically restricted and political assistants are expected to comply with the officer code of conduct of their authority.

5.20 Local authorities should consider publishing the details below as best practice:

- The total number of political assistants it employs;
- The political group each assistant serves;
- The number of councillors in each political group; and
- The number of hours per week for which each political group's assistant is employed.

6.0 Arrangements for Securing Effective Overview and Scrutiny Statutory Guidance

Status of this Guidance

6.1 This guidance is statutory guidance issued under section 38 of the Local Government Act 2000. A county or county borough council, elected mayor or an executive leader must have regard to it. It replaces previous guidance issued in 2012.

Purpose of this Guidance

6.2 The purpose of this guidance is to ensure councils have effective scrutiny arrangements and that procedures are in place to regularly review and seek to improve the effectiveness of those arrangements.

Policy Intent

6.3 Overview and scrutiny is an essential element of the political and general governance of the council. The council and executive culture should be open to and supportive of scrutiny and scrutiny should be provided with staff and resources to enable it to effectively undertake its functions, including holding the council executive to account.

6.4 It is recognised that difficult decisions will always have to be made in relation to council finances but the overriding principle should be that investment in scrutiny also contributes to better services for local people by providing another channel for people to be involved in the decisions that affect them and driving a culture of learning and improvement across the council as whole. This principle should be considered in light of sections 39 to 41 of the Local Government and Elections Act 2021 (the 2021 Act) in terms of the duty to encourage local people to participate on decision making and prepare a strategy on encouraging participation and the duty on a principal council to keep its performance under review, including the conduct of its self and panel assessments and consulting local people as part of that duty as required by sections 89 and 90 of the 2021 Act.

6.5 Effective scrutiny of collaborative arrangements with other councils such as joint committees and corporate joint committees and cross public service partnership arrangements - such as public service boards must be viewed as essential in ensuring that those arrangements are democratically accountable to local people.

Processes and Relationships

- 6.6 To achieve the policy intent scrutiny should not sit aside from other processes which form part of the council's governance system. Arrangements for overview and scrutiny should be set out clearly in the council's constitution and constitution guide required by section 37 of the Local Government Act 2000.
- 6.7 Scrutiny should be an integral part of the council's self-assessment under Part 6 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act) and should also be considered when the council arranges its panel assessment.
- 6.8 The role scrutiny plays in involving local people to participate in decision making under section 39 of the 2021 Act should be set out in the strategy the council must prepare and consult upon in sections 40 and 41.
- 6.9 Scrutiny chairs should have good working relationships with each other and regularly discuss approaches to scrutiny and learn from the work of other scrutiny committees within the council and in other councils. Scrutiny chairs should also establish good working relationships with the chair of the governance and audit committee and the standards committee, as well as the chair or presiding member of the council and the chairs of other committees. They should also foster good working relationships with internal and external auditors and with regulators.
- 6.10 The effectiveness of scrutiny is in part dependent on mutual respect between those charged with scrutiny of the executive and the executive itself. Chairs should therefore develop constructive working relationships with the council's executive in particular, the leader, cabinet members, chief executive and senior officials. The council's executive are required to reciprocate this approach to constructive working under statutory guidance also issued under section 38 of the Local Government Act 2000.

Effective Working

- 6.11 All scrutiny committees should adopt the most effective ways of working to ensure they are able to fulfil their role. This may include:
- The consideration of matters as part of a multi-item committee agenda. Here, councils should ensure the number of items on a single agenda does not make it difficult for members to consider the matter in question in depth;
 - The consideration of matters at a single-item committee agenda. This provides more flexibility around approach, involving panels of witnesses, and potentially

some public participation. One off “challenge panels” can be a proportionate and effective way to dig into a topic;

- Task and finish groups. “Task and finish” groups are small, informal groups of members, commissioned by a committee to investigate a topic and to report back. Task and finish groups are not subject to rules about the meeting of committees, because they are informal bodies;
- The convening of a short task and finish group. A group that meets only a couple of times over a few weeks will be able to tackle a narrow, defined subject. It is likely to be possible for a review to be commissioned, and then to report back to the next meeting of the same committee; and
- The convening of a longer task and finish group. The “traditional” task and finish group model is for a body that meets multiple times over several months, building a comprehensive evidence base.

6.12 The commissioning of task and finish groups, where it happens, should involve the agreement of a scope, setting out the terms of reference of the group and the timescale for carrying out its work.

6.13 Task and finish groups can meet either in private, or in public. When they have completed their work, task and finish groups should submit a report and recommendations to the committee that has commissioned them. This should also include some record of the proceedings of the group (including information on where, and from whom, evidence has been gathered), particularly if the group has met in private. The committee can then decide to adopt the recommendations, submitting them to the council’s executive or another body for a response.

6.14 All ways of working demand careful planning. Councils should, in programming work, consider in some detail the scope of a topic and how it should be considered so as to maximise its impact. In some cases this may involve councillors’ meetings beforehand, either in private or in public, to discuss questioning strategy, or otherwise meeting to plan scrutiny work. Resourcing arrangements for scrutiny should take into account the necessity for officer support for this planning activity.

Resourcing and Information

6.15 To be effective scrutiny must be resourced and have access to officers dedicated to supporting scrutiny committees to plan, manage and execute their work programmes. Officers not directly supporting scrutiny should be mindful that their employment is with the council and not the executive, they should therefore

provide scrutiny committees with support and information in a constructive and timely manner to assist their work. This may sometimes present challenges for officers but members of scrutiny committees and members of the executive should also be mindful of these conflicts and these matters should be considered when protocols are developed governing the relationships between officers and members for inclusion in the council's constitution.

6.16 Section 65 of the Local Government and Elections (Wales) Act 2021 amended section 22(10) of the Local Government Act 2000 which provides Welsh Ministers with a power to make regulations which include provision for or in connection with requiring prescribed information about prescribed decisions made in connection with the discharge of functions which are the responsibility of a local authority executive to be made available to members of the public or members of the authority to include an overview and scrutiny committee of the authority or a sub-committee of such a committee. This is intended to convey the seriousness which Welsh Ministers attach to effective co-operation and information sharing between the executive and scrutiny and its place at the heart of the good and effective governance of the council.

Reviewing Scrutiny

6.17 Effective scrutiny is itself open to regular review and arrangements should be put in place for this to take place as part of the council's self-assessment processes. Peer review is also a good way to review effectiveness and learn from the experience of other scrutineers.

7.0 Appointment of Persons to Chair Overview and Scrutiny Committees Statutory Guidance

Status of this Guidance

7.1 This is statutory guidance made under Section 75 of the Local Government (Wales) Measure 2011 (the Measure). This guidance replaces previous guidance issued under this section in relation to the appointment of persons to chair overview and scrutiny committees in 2012.

Purpose of this guidance

7.2 To provide guidance to councils on the appointment of persons to chair overview and scrutiny committees.

Introduction

7.3 Part 6 of the Measure deals with overview and scrutiny, including, from sections 66 to 75, provisions relating to the appointment of chairs of overview and scrutiny committees (scrutiny committees). The policy intent is to ensure overview and scrutiny is not dominated by the political groups on the executive of the council, and can act independently.

What the Measure requires

7.4 Local authorities must include within their standing orders arrangements for the appointment of the chairs of their scrutiny committees which are in line with the following;

(i) Council with no political groups declared

Each scrutiny committee elects its own chair.

(ii) Council with only one declared political group

Each scrutiny committee elects its own chair.

(iii) Council has two political groups but only one scrutiny committee

The scrutiny committee elects its own chair. If, however, one of the groups (A) is represented in the council executive but the other (B) is not, that other group (B) must be left to appoint the chair.

(iv) Council with two or more political groups and multiple scrutiny committees

If there is more than one political group on the executive they can only be allocated as many chairs as is proportionate to their combined share of the council's total membership. This should be rounded down if it does not equate a whole number. It is then for the political groups on the executive to decide on the distribution of the executive's allocation of chairs between themselves.

The rest of the scrutiny chairs are the "property" of those groups not represented in the executive. If there is only one such group, they are entitled to all the remaining chairs. If there is more than one non-executive group, each gets a share of the chairs in proportion to their membership, rounding down to the nearest whole number, including zero. For example:

Number of members of council = 60
Number in executive groups(s) = 26
Number of scrutiny chairs = 5
Number for executive groups = 2
Number of chairs remaining = 3
Number of non-executive group(s) = 3
Size of non-executive group C = 16
Size of non-executive group D = 6
Size of non-executive group E = 2
Entitlement to scrutiny chairs of C = 2
Entitlement of scrutiny chairs of D = 1
Entitlement of scrutiny chairs of E = 0

Should there be any unallocated chairs following this calculation, then the chair is to be appointed by the members of that committee(s).

If all political groups in an authority are represented in the executive and the rounding down process results in unallocated chairs, any such chairs are also to be appointed by the members of those committees.

(v) Council where political group refuses to take allocation of chairs

Where a political group declines to take its allotment of chairs, none of those chairs can be allocated to an executive group. The vacant positions are to be offered to the other political groups in proportion to their size. In the example above, if A refused their 2 chairs, the opposition groups would be entitled to appoint the chairs of 5 committees and the allocations should be C = 3, D = 1, E = 1. If C refused their 2 chairs, the other groups would be entitled to one each. If D refused its single chair that would go to E, as group C has already had its allocation rounded up to give it 2.

In a council where there is only one non-executive group and this group is declining its chairs, or in a council where there are other non-executive groups but each of them declines to take the vacant chairs, it is left to each scrutiny committee to elect its own chair from any of its membership.

(vi) Political make-up of the executive changes

If a political group leaves or joins the executive, the exercise of allocation of chairs begins again in accord with the provisions described above.

(vii) Filling casual vacancies

Should a scrutiny chair be vacated for some reason, the chair should normally be allocated to the same political group as the outgoing chair. If, however, the chair has been elected by the committee itself, then the committee should appoint the new chair.

(viii) Council wishes to operate different allocation system

A council may decide to abandon the processes outlined above, but only if it wishes to bring about an allocation of scrutiny chairs which is more favourable to the non-executive groups than would be produced by the prescribed procedures. For this to happen, a majority within each political group must support the alternative proposal, and the proposal must be approved by a resolution of the full council, with a majority of members of every political group voting in favour of the resolution.

(ix) Appointment of vice-chairs

The allocation of any committee vice-chairs is a matter for each authority to decide upon.

Welsh Ministers may make regulations in relation to the allocation of chairs and also issue directions. At the time of issuing this guidance there are no plans to do either.

Guidance

- 7.5 The provisions of sections 66 onwards provide little room for manoeuvre. Councils' standing orders should set a timetable for the appointment processes to be completed.
- 7.6 Where a situation arises where the allocation procedures outlined in this guidance appear inadequate to deal with a particular situation, councils should first consult

their legal advisers for an opinion. Welsh Government officials may be contacted for advice by those legal advisers if necessary.

- 7.7 The spirit of the legislation is clear. It reflects a policy position in favour of scrutiny being, as far as possible, independent from the leadership of a council.

8.0 Co-opted Members of Overview and Scrutiny Committees

Statutory Guidance

Status of this Guidance

8.1 This is statutory guidance made under Section 76 of the Local Government (Wales) Measure 2011 (the Measure). It relates to the co-option of persons that are not members of local authorities onto their overview and scrutiny committees in accordance with section 21 of the Local Government Act 2000. This guidance replaces previous guidance issued in 2012.

Purpose of this Guidance

8.2 The purpose of this guidance is to provide a framework for councils to consider when appointing co-opted members to overview and scrutiny committees. In particular it requires councils to have regard to how co-option could bring a wide range of different skills and increased diversity to overview and scrutiny committees.

Policy Intent

8.3 Co-option of members to overview and scrutiny committees who are not councillors is a way to build a more diverse membership. It can provide a way to support broader public participation in local democracy and should form part of the council's strategy on encouraging participation as required by section 40 of the Local Government and Elections (Wales) Act 2021.

8.4 In making arrangements for co-option, councils might:

- Think about the needs of under-represented groups, and the barriers that might otherwise exist for such groups to engage with the business of the authority;
- Consider co-option alongside other methods of assuring public participation such as inviting people with valuable perspectives and experience to engage as witnesses or technical advisers as co-option may not always be the best way to garner the views and experience of some people.

8.5 Co-opted members on committees can significantly strengthen their effectiveness by bringing different perspectives. Whilst co-option is only one method by which the views of stakeholders can help shape the work of scrutiny committees, it is considered by the Welsh Government to be an important tool in achieving 'buy-in' from representative groups and individuals that may otherwise be disengaged from local decision-making processes. Co-option can serve to strengthen Members' community leadership role through the provision of alternative perspectives and the facilitation of stronger area-based networks and contacts.

- 8.6 The Welsh Government considers that including a broader range of specialists, community representatives and service-users in scrutiny exercises is advantageous, and that proactively engaging co-optees in scrutiny activity, enables elected members to send powerful messages about involving people and partners through their own structures and practice.
- 8.7 In recognition of the rich impact multi-perspective scrutiny can have in driving improvement, panels have been established to scrutinise the work of Public Service Boards whose membership span sectoral, organisational and geographic boundaries. To date these panels have included co-optees from voluntary organisations, local health boards, community health councils, police and crime panels, Natural Resources Wales, and local business forums who have been working alongside elected members to improve local services. When appointing co-optees from partner public bodies, individuals should be from a non-executive function within their organisation, where possible, to avoid any conflict of interest.
- 8.8 Some of the important benefits accruing from these arrangements have been the cross-transference of learning and the breaking down of organisational fragmentation in addressing 'wicked issues'. These practices have indicated that partnership working and co-option may be seen as processes that increase local democratic input and integration across different parts of the public sector.

Deciding when to co-opt

- 8.9 Any appointment of co-optees should be informed by scrutiny forward work plans and what outcomes elected members are seeking to achieve as the result of planned scrutiny exercises. Councils are advised to think carefully about the use of co-option as a means to develop partner relations or improved public connections that may add significant value to the work of scrutiny committees.
- 8.10 In all instances where co-option is being considered, care should be taken to ensure that co-option is in fact the best way for some individuals or groups of interest to be involved in the work of scrutiny committees. Groups of interest should include protected characteristics equality groups in recognition of the value these perspectives can add to the work of local authority scrutiny committees. In some circumstances it may be more appropriate for stakeholders to act as 'expert advisors' of a task and finish group or to be included as an invitee at scrutiny committee meetings. For example, some vulnerable groups or service users may feel intimidated by the formality of full committee meetings and may wish to submit written or oral evidence in support of a scrutiny review. The nature of stakeholder involvement in scrutiny work will need to be established on a case by case basis.

8.11 Also, organisations who are financially supported by partner agencies may feel reluctant to challenge the performance of funding providers in a public arena. Steps should be taken to minimise the risk of co-optees experiencing conflicts of interest as a result of being involved in scrutiny work.

Identifying potential co-opted members

8.12 Councils may wish to think about employing several strategies to identify co-optees that are likely to enrich scrutiny activity.

For example, councils may wish to:

- Approach town and community councils in the area to nominate representatives for co-option on to committees;
- Advertise in the local press;
- Utilise social networking sites;
- Approach wider 'sectoral organisations' such as the voluntary sector or local business forums for co-optee nomination; and
- Invite former co-optees with specific interest or expertise, to attend scrutiny meetings in an 'advisory capacity' when there are relevant items on the agenda.

8.13 Councils may also wish to develop an application form for groups or individuals to complete to express an interest in becoming a co-optee. Such forms could be made available from the scrutiny web pages of local authorities or advertised in the local press. Again, consideration should be given to protected characteristic equality groups.

Recruiting co-opted members

8.14 Councils will need to ensure that recruitment processes in relation to co-optees, whether this be on an individual or representational basis, are inclusive and fair so as to encourage people with a wide diversity of knowledge, skills and experience to participate in scrutiny activity.

8.15 To assist committees in recruiting co-optees it is suggested that councils consider developing outline role descriptions for co-opted members. These would help to clarify the expectations of both committees and potential co-opted members. Some councils have also found it helpful when selecting a co-opted member when more than one application has been received to identify competencies against which an application for a position is evaluated.

8.16 However, as a general rule it is suggested that committees should ensure co-opted members are able to:

- (i) represent the interests of the population that receive services provided by or commissioned by public service providers;

And/or,

- (ii) contribute expert knowledge or skills that will lead to a rigorous and objective scrutiny of the issues under review;

And/or,

- (iii) live or work in the county or county borough area.

8.17 Councils should have a protocol to govern co-option to scrutiny committees, to provide consistency and transparency on these issues. The protocol should form part of scrutiny's rules of procedure.

Scrutiny Committees: Number of co-opted members

8.18 In recognition of the democratic mandate of councillors it is recommended that the number of co-opted members on a scrutiny committee should not exceed a third of the total membership of the committee.

8.19 It is suggested however, that approaches to co-option be informed by an appreciation of what the co-optee will be able to contribute to the issue under consideration rather than a narrow focus on numbers of co-opted members.

8.20 Such an approach will help committees decide whether or not the participation of co-opted members remains relevant to its work priorities or whether there is need to refresh co-opted membership from time to time.

Sub-Committees: number of co-opted members

8.21 In recognition of the varied ways in which sub-committees operate, it is recommended that no limit be placed on the number of co-opted members that may participate in a sub-committee.

8.22 However, it is considered that it should be the case that co-opted members should not comprise the whole membership of the sub-committee.

Types of appointment for co-opted Members

8.23 As previously highlighted, scrutiny committees have a wide range of options available to them with regard to appointing co-opted members.

In their recruitment processes councils may specify that the appointment of a co-opted member is to be:

- i) For the life of the committee;
- ii) Until such time as it decides to terminate the appointment; or
- iii) For the purpose of a particular review or performance monitoring exercise.

8.24 It is advised that successful applicants be required to sign a statement of appointment that will include terms governing appropriate conduct. Specifically, on accepting office, co-opted members should be required to declare that they will observe the Code of Conduct for Members in the particular council's constitution which covers, among other matters, treating others with respect, not disclosing confidential information and disclosing relevant personal interests.

8.25 To ensure that co-opted members are provided with the information and skills necessary to fully participate in scrutiny activity, it is recommended that councils take steps to provide co-optees with appropriate induction training in addition to other training and developmental opportunities.

Voting rights and Code of Conduct

8.26 The Measure does not afford co-opted members of scrutiny committees with any voting rights. Consequently, they are therefore not bound by statute to comply with the Code of Conduct for Elected members as provided for by Part 3 of the Local Government Act 2000. However, co-opted members should be encouraged to abide by the principles set out in the code and conduct themselves to the highest standards of ethical behaviour. There are other statutory co-optees whose roles attract voting rights. These include: those members co-opted under the provisions of paragraph 8 to Schedule 1 to the Local Government Act 2000, the Parent Governor Representatives and Church Representatives (Wales) Regulations 2001 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009. Any members co-opted under these provisions are required by law to comply with the Code of Conduct.

9.0 ‘Call in’ Arrangements in relation to Overview and Scrutiny Committees Statutory Guidance

Status of this guidance

9.1 This guidance is statutory guidance issued under section 38 of the Local Government Act 2000. A county or county borough council elected mayor or an executive leader must have regard to it. This guidance replaces any previous guidance issued on this matter.

Purpose of this guidance

9.2 The purpose of this guidance is to set out matters local authorities should take in to account when making their arrangements under section 21 of the Local Government Act 2000 in relation to the powers of overview and scrutiny committees to review and scrutinise decisions made, including those not yet implemented by the executive and make recommendations for those decisions to be reconsidered. The process commonly referred to as ‘call in’.

Policy Intent

9.3 The call in process is an important part of the political governance of the council. The rules of procedure a council sets out in relation to call in should strike a balance between enabling open and transparent overview and scrutiny of decisions and preventing deliberate filibustering of the council’s operation. For these reasons, councils should ensure that clear and consistent call-in rules form a part of their constitutions.

Guidance

9.4 Call-ins should not be regarded as a regular tool for scrutiny and they should not by default become a means of compensating for deficiencies elsewhere in scrutiny procedures. The more constructive approach is to put in place procedures which facilitate more, proportionate, pre-decision scrutiny.

Call-in rules should make reference to:

- The kinds of decision which will be subject to call-in. These will usually be key decisions, set out in the executive’s forward plan;
- The number of councillors who need to request a call-in for it to be valid;
- Any other limits to call-in requests – for example, a need for a decision to cover two or more electoral divisions in order to be valid;
- Process requirements, for example, the need to fill in a form stating reasons for the call-in, which would then be published. In general councils should ensure that call-in requests do not need to satisfy too many bureaucratic

requirements, and that they ensure that call-ins can happen where politicians recognise a pressing need for a decision to be reconsidered;

- The timescale, after a decision is made, within which a valid call-in request might be made and accepted;
- The arrangements for organising a meeting of an overview and scrutiny committee once a valid call-in request is received;
- Arrangements for how such a meeting is carried out. This may include a right for a councillor or councillors requesting a call-in to set out their reasons for doing so;
- The recommendations that the scrutiny committee can make. These might be to take no further action (allowing the decision to be immediately implemented) or to make recommendations to the executive that the decision should be amended, or withdrawn entirely;
- Arrangements for the executive to provide a response to the scrutiny committee.

9.5 Call-in rules should not be designed to make call-ins essentially impossible (for example, by requiring that two members of a scrutiny committee request a call-in where political balance requires that only one member of each committee is a member of the opposition). For this reason, councils should review their call-in rules following elections to ensure that they still allow for the proportionate use of this power.

10.0 Councillor Calls for Action Statutory Guidance

Status of this Guidance

10.1 This is statutory guidance made under Section 21A(3) of the Local Government Act 2000 (the 2000 Act). This guidance replaces previous guidance on this matter issued in 2012.

Purpose of this Guidance

10.2 This is statutory guidance issued under section 21A(3) of the 2000 Act (as amended by section 63 of the Local Government (Wales) Measure 2011 (the 2011 Measure)), to which a member of an authority must have regard in considering whether to make a call for action. Councillor calls for action (CCfAs) enable local councillors and their electors to ensure a response from their council leadership to issues of local importance. CCfAs should be regarded as one of a series of tools elected members have at their disposal to resolve local issues and make a positive difference in their community.

Introduction

10.3 Section 63 of the 2011 Measure amends Section 21A of the Local Government Act 2000 to enable any councillor of a principal council in Wales to refer a matter to an overview and scrutiny committee which relates to the discharge of any of the functions of the council or which affects all or part of the electoral area which the councillor represents.

10.4 This provision pre-dates the Well-being of Future Generations (Wales) Act 2015, but reflects its principles that outcomes such as improved health, educational attainment and employment should be co-produced through the joint efforts of service users, service providers and others. CCfAs can offer a valuable form of community intelligence which can contribute to developing and delivering a shared vision for the locality. The CCfA should be understood as a means of “last resort” in a broad sense, with issues being raised at a scrutiny committee after other avenues have been explored. As such, the process should make it easier for issues that would benefit from scrutiny consideration to be identified, and for those issues which are best dealt with through other means to be signposted accordingly. It might be helpful to identify research support for members considering a CCfA to either ensure it is the appropriate course of action or to build a well evidenced case to enable effective scrutiny and consideration.

10.5 Therefore, for CCfA to act effectively as an improvement tool, discussions about how to put CCfA procedures in place should focus less on process and more on outcomes. Since it is likely that the types of issues that would make for a CCfA

would be cross-cutting and multi-agency in nature, thought should be given to the types of things that may constitute a satisfactory 'resolution' for councillors and by extension, local communities.

Purpose and objectives of the CCfA

10.6 The CCfA provisions should be seen in the wider context of strengthening local democracy and widening participation in local decision making. They should be considered in the context of duties placed on the council in sections 39 to 41 of the Local Government and Elections (Wales) Act 2021 relating to encouraging local people to participate in decision making.

10.7 As such, CCfA should not be regarded solely as a 'scrutiny' process. Instead Councils should consider it within the context of making improvements more generally to a wider range of council functions aimed at supporting participatory democratic activity. This includes support for members in their constituency roles as well as activities such as complaints, and consultation processes that capture public experience and opinion.

10.8 This guidance is not about providing authorities with a prescriptive 'instruction manual' as to how councils must set about putting CCfAs in practice. Instead, it provides a series of considerations and analysis to those authorities that recognise the value of identifying and acting upon the local knowledge that elected members can channel and who wish to use CCfA.

Legislative context

10.9 The purpose is to ensure that executive arrangements by a local authority enable any member of the council to refer to an overview and scrutiny committee a "local government matter" which falls within the committee's remit. A referral in this way will ensure that the matter is included in the agenda and discussed at the committee. However, in making such a referral the member must have regard to any guidance issued by the Welsh Ministers.

10.10 If the overview and scrutiny committee receives a referral from a member who is not on the committee, it can choose to do any of the things that it might normally do with a new item. These include: reviewing and scrutinising decisions and actions, and making reports and recommendations.

In deciding whether to do any of these things, the committee may "have regard to" two particular points:

- (i) anything that the member may have already done in relation to the matter, particularly if they have been empowered to do so by the council under section 56 of the 2011 Measure,

And;

- (ii) representations made by the elected member as to why the committee should take the matter up. If the committee decides not to take the matter up, it must explain the reasons why to the member. However, if the committee chooses to conduct some work on the issue, it must make sure that the elected member has a copy of any reports or recommendations that it makes in relation to it.

10.11 Subsection (12) of section 21A of the 2000 Act defines 'local government matter' in relation to a member of a local authority in Wales as a matter which is not an excluded matter and which –

- a) relates to the discharge of any function of the authority, or
- b) affects all or part of the electoral area for which the member is elected or any person who lives or works in that area.

10.12 Subsection (13) of section 21A of the 2000 Act defines what is meant by an excluded matter in subsection (12). It is described as any matter which is-

- a) a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or
- b) a matter of any description specified in an order made by the Welsh Ministers for the purposes of this section.

10.13 It can be seen that subsection (12)(b) allows for a broad range of issues that may be referred to an overview and scrutiny committee by a local authority member. As such, local authorities will need to ensure that implementation of CCfA is sufficiently responsive and wide ranging.

10.14 For example, it may be the case that a CCfA identifies a cross-cutting issue such as access to local dental services which could necessitate the scrutiny committee considering engagement with public service partners. In these instances CCfA can be used to develop closer links between councils and external partners.

10.15 When deciding upon whether or not to address an issue raised by CCfA at a scrutiny committee meeting, committees may find it helpful to use criteria for referral.

10.16 In considering how to respond to a CCfA, committees have a wide range of options available to them. They could, for example, call members and officers to attend a meeting and answer questions, instigate a review of policy, or, depending on the nature of the CCfA, make reports or recommendations to the decision making body of the relevant partner(s). Committees should think about the levels of formality that would be most appropriate in addressing issues in a way that helps facilitate positive outcomes.

10.17 Regarding how best to make use of the resources available to them, scrutiny committees should also assess how the problem may fit with existing programmes of work. CCfAs that can be considered as a complementary part of a scrutiny committee's forward work programme should similarly themed or related topics already have been included. In these instances, taking into account the steps councillors will already have taken in trying to resolve a community issue CCfAs can be considered as providing an evidence base to inform the committee's next steps.

Defining 'resolution'

10.18 The concept of resolution is arguably the issue at the centre of CCfA, i.e. ensuring that CCfA actually helps councillors to resolve intractable issues. The purpose of CCfA is to provide resolution where other techniques might not be able to do so, so the first step is to try to see if the issue has been or can be resolved through other means. This should be central to a council's procedures for raising and addressing CCfAs. As highlighted earlier, the deployment of a CCfA should be regarded as a last resort after other avenues have proved unsatisfactory. Consequently, the successful operation of CCfA will be reliant on the effectiveness of existing mechanisms in place aimed at supporting councillors in their constituency role.

10.19 Due to the potential cross-cutting and intractable nature of the social problems likely to be raised under CCfA, it is probable that there be no 'quick fix' of the issue under discussion. Therefore, in order for CCfA to make any headway in addressing local issues, it is advisable that councils should seek to make processes sufficiently adjustable so not to limit openness or exploratory discussion.

10.20 In practical terms it may help if local authority procedures specified that the councillor raising an issue articulates what they would regard as a successful outcome or resolution at the beginning of the CCfA process. Such outcomes could be revised by an appropriate scrutiny committee following initial enquiry. These initial objectives could act as the indicator of success against which the progress of a CCfA could be considered.

10.21 Before a CCfA is escalated to a full scrutiny committee meeting, councillors should first consider the following options in resolving a community issue:

- Informal discussions with officers or other councillors;
- Informal discussions with partner representatives;
- Referral of matters to other 'scrutiny bodies' or internal audit committees;
- Formal discussions with officers and councillors;
- Formal letters to Executive Members;
- Asking questions at Full Council;
- Submitting a motion to Full Council;
- Organising public meetings;
- Use of petitions;
- Making a complaint;
- Freedom of Information requests to other bodies;
- Communication with local MSs or MPs;
- Use of social media or email based campaigns.

10.22 In order for the CCfA to be effective in identifying and addressing public concern, the local authority's leadership together with senior officers within partner agencies will need to support the following principles:

- Appreciation of the role scrutiny can play as a driver of service improvement and its responsiveness to the needs of people in the area;
- Willingness to address unsatisfactory performance and a recognition of the need to resolve problems through discussion;
- Transparency in decision making processes and inclusion of the scrutiny process at all stages;
- Understanding, and a willingness to bolster the multi-faceted 'Community Leadership' role undertaken by members in their communities;
- Appreciation of the active part that service users and the wider community play in achieving improved outcomes.

10.23 Each issue attempted to be raised as a CCfA will have to be considered on its own merits. But it must be demonstrable that each issue raised as a CCfA has been given due and appropriate consideration even if it is then determined it does not meet the criteria the council has set.

10.24 Scrutiny committees often examine issues which are highly political in nature and this should not necessarily be viewed as a negative thing. Elected members

can use the power of political debate to give proper consideration and analysis to controversial issues and in many cases a councillor's local knowledge can result in significant investigatory impact in helping identify constructive ways forward.

Working with partners

10.25 Success in dealing with CCfA issues that involve partners will usually involve those partners having been a part of the initial discussions leading to CCfA being established in a local authority. If partners have been part of those discussions it follows that it is more likely that they will be willing to work with scrutiny committees to resolve local issues.

10.26 Good management of partnership relations by scrutiny committees can be beneficial for both partners and elected members. Using CCfA, Scrutiny can play an important role in linking partners up across the spectrum of local policy making. Partnership scrutiny can assist integration as well as ensuring local needs and aspirations are represented in decision making processes.

Links to community safety issues

10.27 The Police and Justice Act 2006 (the 2006 Act) provides for a CCfA mechanism to deal with community safety and crime and disorder matters. The 2006 Act requires that the designated Crime and Disorder Committee consider all crime and disorder matters including community safety CCfAs. However, it may be the case that a cross-cutting issue such as substance misuse which draws upon a wide range of agencies is raised as a CCfA and it is unclear which committee is best placed to consider it.

10.28 In these instances, councils will need to bear in mind that the most important consideration is for the issue to be discussed in its entirety rather than adopt a rigid structural approach which further fragments enquiry. It may be the case that scrutiny chairs adopt a pragmatic approach about which committee should address a CCfA which has both crime and disorder and other subject elements. For example, it might be the case that scrutiny committees invite additional scrutiny chairs to meetings where CCfAs are being considered as linked to their relevant areas of expertise.

Links with section 56 of the 2011 Measure (exercise of functions by councillors)

10.29 It might be that where councils have chosen to take advantage of the power to delegate functions under section 56, there are close links with CCfA. It could be that members exercising delegated powers will have more opportunities to resolve issues locally without having recourse to CCfA. CCfAs on particular

issues may encourage councils to use section 56 to delegate powers to members to resolve those issues locally, further strengthening the council's responsiveness in improving local services.

11.0 Overview and Scrutiny Committees - Taking into account the views of the public

Status of this guidance

11.1 This is statutory guidance issued under section 62(4) and (5) of the Local Government (Wales) Measure 2011 (the Measure). A local authority and an overview and scrutiny committee must have regard to this guidance in complying with their obligations under section 62 'Taking into account the views of the public'. This guidance replaces previous guidance on this matter issued in 2012.

Purpose of this guidance

11.2 The guidance is intended to provide practical advice to local authorities and overview and scrutiny committees as to how to comply with the requirements set out in section 62 of the Measure. This guidance relates to all overview and scrutiny committees and their sub-Committees, and to any joint overview and scrutiny committees and sub-Committees of joint overview and scrutiny committees (referred to in the legislation as "relevant overview and scrutiny committees").

Background

11.3 Effective scrutiny is integral to helping people feel they are able to influence what goes on in their locality. Scrutiny has an important role in stimulating connections between different individuals and groups, and channelling community intelligence into the improvement processes of the council and its partners. In this respect, the scrutiny function can be regarded as helping to both build and represent democratic capacity. Before this can happen however, people need to know about their options to make their views known when they want to.

11.4 Engaging the public more deeply in scrutiny activity may be regarded as a hallmark of healthy democracy. Better communication about local decision-making processes and greater representative participation will help ensure more direct experiences of community life inform strategic thinking and operational practice. It is also an important element of the council being able to demonstrate it is complying with the duty in section 39 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act) to encourage local people to participate in decision making. The arrangements for taking into account the views of the public in the scrutiny process should be set out in the strategy on encouraging participation required by section 40 of the 2021 Act.

11.5 Section 62 of the Local Government (Wales) Measure 2011 ("the Measure") places a requirement on local authorities to make arrangements that enable all

persons who live or work in the area to bring to the attention of the relevant overview and scrutiny committees their views on any matter under consideration by the committee.

11.6 Furthermore, section 62 provides that an overview and scrutiny committee must take into account any views brought to its attention in accordance with arrangements under this section.

Raising public awareness about scrutiny

11.7 To enable the public to effectively engage with overview and scrutiny committees, the Welsh Government considers people should first be informed about their council's scrutiny function and programmes of planned work.

11.8 As such, overview and scrutiny committees are expected to make strong efforts to raise public awareness about their role and function, including how people and communities can help shape and contribute to the delivery of scrutiny committee forward work programmes (FWP). This should also be included and publicised in the council's strategy on encouraging participation required by section 40 of the 2021 Act.

11.9 Several principal councils have already developed good quality websites which inform members of the public about the way in which decisions are made by a local authority and how people may engage in the work of overview and scrutiny committees. This should also form part of the guide to the constitution required to be published electronically and kept up to date under section 37 of the Local Government Act 2000.

11.10 There should be clear reference to overview and scrutiny on the council's website with easy links to meeting schedules and documentation required by Part VA of the Local Government Act 1972. Local authorities should consider the list below which sets out some of the additional information that could be included on their scrutiny webpages:

- An accessible guide to the local authority's decision-making processes;
- An accessible guide to the local authority's scrutiny function;
- Overview and scrutiny committee FWPs;
- Copies of the annual report of overview and scrutiny committees;
- A list of criteria as to what would make a good scrutiny item;

- Forms by which members of the public can identify issues for scrutiny;
- Forms by which members of the public can put themselves forward to offer comments upon any item included for discussion on a relevant overview and scrutiny committee's FWP;
- Forms by which members of the public may nominate themselves to attend an overview and scrutiny committee to provide evidence, information, comment or views in relation to any topic being considered by such a committee. This will include directions as to how a member of the public may submit views related to Call-Ins;
- Forms by which members of the public may nominate themselves to participate as a co-opted member of an overview and scrutiny committee; and
- Details of Chairs and support staff of overview and scrutiny committees and how they may be contacted.

Public Engagement

11.11 The Welsh Government considers public engagement in scrutiny is vital in improving the design and delivery of local services from a citizen-perspective. Input from a range of stakeholders can assist in understanding the complexities that often characterise social problems and scrutiny committees can play an important role in gathering necessary intelligence.

11.12 In formulating their arrangements for taking in to account the views of the public councils must have regard to their statutory duties in relation to equalities, including the public sector socio-economic duty and the Welsh language. Arrangements must facilitate and support the ability for people and communities from all backgrounds and protected characteristics to be able to engage constructively and easily with scrutiny.

11.13 It is recommended that local authorities develop internal mechanisms to better enable all members of the public engage in scrutiny activity. Such mechanisms should take accessibility into account and may include the following:

- Request that an item be placed on an agenda for consideration by an overview and scrutiny committee (providing this is of immediate relevance to a topic included on its FWP);
- Submit evidence (oral or written) to a planned or ongoing scrutiny review or investigation;
- Participate as a co-opted Member;
- Submit evidence (oral or written) relating to a Call-In of an Executive decision.

- 11.14 Arrangements may take the form of public speaking arrangements in some cases, or developing reports summarising written submissions in others. Committees should take the preferences of the member or member of the public concerned into account. It is recognised that safeguards may need to be built into processes to protect against committees being lobbied in potentially vexatious ways. Overview and scrutiny committees may still refuse public requests to include particular items on their agendas but in doing so should produce a clear rationale to account for their decision.
- 11.15 This rationale could link to criteria that committees will have developed in formulating their overview and scrutiny committees' FWPs. Committees should explain why they may refuse to consider a public request for scrutiny or to exclude particular information from their investigative work.
- 11.16 In managing the engagement process it may help a local authority to differentiate between public contributions to scrutiny which are unsolicited, such as a councillor call for action or an external request for an item to be placed on an agenda, and those which have been actively sought by an overview and scrutiny committee in support of a planned review or investigation.
- 11.17 In either case, any such arrangements made by local authorities should recognise the distinct timescales that direct different forms of scrutiny activity in order that public contributions can influence committee work programmes in an appropriate and timely manner.
- 11.18 It is recommended that arrangements are made to give careful consideration to ensuring the credibility and applicability of public contributions to the scrutiny process. This will ensure that the work of the relevant overview and scrutiny committees is informed by accurate and relevant evidence.
- 11.19 In order to manage the differing ways in which members of the public may engage with the work of scrutiny it is recommended that a series of protocols be developed to assist in the consistent application of practices. The aim of the protocols will be to manage public expectations in terms of setting out how any information submitted to relevant overview and scrutiny committees will be used and detailing how and when feedback will be provided. It is recommended that local authorities develop protocols to cover the following:
- Public speaking arrangements at Scrutiny Committee / Joint Overview and Scrutiny Committees (JOSC) meetings (to include Call-In);
 - Public involvement in Sub-Committee and / or Task & Finish Group Meetings;
 - Managing a request for scrutiny (including petitions);
 - Dealing with requests for public co-option.

Publication of forward work programmes

11.20 The timely publication and regular updating of forward work programmes of overview and scrutiny committees is essential in facilitating meaningful engagement from the public in scrutiny. This should again be included in the council's strategy on encouraging participation in decision making published under section 40 of the 2021 Act.

11.21 It is expected that scrutiny committees publish details of their annual FWP on the council's webpages in a clearly signposted section of the website dedicated to scrutiny.

11.22 To encourage greater collaboration between local authorities in the undertaking of joint scrutiny, it is recommended that overview and scrutiny committees FWPs be published near the start of the municipal year. This will allow such committees to better co-ordinate planned activity with relevant councils and other public sector agencies.

11.23 In addition, in order to stimulate interest within existing community networks and representative groups, relevant overview and scrutiny committees should consider sending copies of their FWP to the following:

- Local voluntary sector organisations;
- Police and Crime Panels;
- Fire and Rescue Authorities;
- Youth Councils;
- National Parks;
- Town and Community Councils.

11.24 It is recommended that this take place at the start of the FWP period and make clear that the FWPs of overview and scrutiny committees are flexible and may change according to local priorities. In addition, local authorities may wish to consider containing information in the FWP about how members of the public may assist in developing and delivering overview and scrutiny committees' FWPs.

Public Engagement and Call-In

11.25 In respect of decisions of a council's executive which have been called-in the local authority may wish to develop public speaking arrangements specifically for these occasions.

11.26 Where the subject matter under consideration is not confidential or exempt, such arrangements could recognise the time-limited nature of call-ins by giving the Chair discretion to allow public speakers to provide information and also respond to information presented during the course of discussion. The Chair may be given discretion to allow for multiple representations to be made at a Call-In meeting to allow for different public perspectives to inform the Committee's deliberations.

11.27 The Chair could also have the discretion to stop a speaker at any time in proceedings if in their view a speaker is making comments that are, or appear to be, defamatory, vexatious, discriminatory or offensive.

Engaging with the Third Sector

11.28 The third sector in Wales has a wealth of specialist expertise and frontline experience in a wide range of areas and can provide means of entry for often disenfranchised people into local decision making.

11.29 For that reason the Welsh Government considers the voluntary sector has an important role to play in providing input to local government overview and scrutiny. Councils should develop protocols with County Voluntary Councils as an integral part of their arrangements in complying with section 62 of the Measure. These should include consideration of co-option, regular meetings between scrutiny chairs and voluntary sector representatives and use of voluntary sector networks as a means to inform and engage people of all ages and backgrounds in the work of scrutiny.

Taking the public's views into account

11.30 An overview and scrutiny committee must take into account any views brought to its attention. In practice this will mean developing appropriate methods by which a member of the public may engage with the scrutiny process as considered above and pro-actively managing the overview and scrutiny committee's interface with written and oral submissions. Authorities will need to have in place methods to deal with requests for scrutiny and / or public oral or written submissions which are vexatious, discriminatory, inappropriate or unreasonable.

11.31 In the event a member of the public requests an issue for scrutiny, then it is recommended a report detailing their submission is considered at the next relevant overview and scrutiny committee meeting. Good practice would also suggest that the person who submitted the issue is invited to attend a meeting to present their views to elected members in person. However, attendance at formal overview and scrutiny committees may not be an attractive or appropriate proposition for some people and so arrangements could be made to ensure their views are nevertheless presented for consideration.

11.32 Regardless of whether or not an overview and scrutiny committee decides to further investigate a public request for scrutiny, it is recommended that the committee provide full feedback as to their decision to the person who submitted the original request, together with a rationale for the course of action adopted.

11.33 On those occasions where an overview and scrutiny committee receives a number of written submissions from the public in relation to a single topic under consideration, then it is recommended a summary report be presented to the relevant committees at the first appropriate opportunity.

12.0 Joint Overview and Scrutiny Committees Statutory Guidance

Status of this Guidance

12.1 This is statutory guidance under section 58(4) of the Local Government (Wales) Measure 2011 (the Measure). A local authority and a joint overview & scrutiny committee must have regard to this guidance in exercising or deciding any function conferred upon it. This guidance replaces previous guidance in relation to joint overview and scrutiny committees issued under this section in 2013.

Purpose of this Guidance

12.2 The purpose of this guidance is to set out the key matters councils must take into consideration when establishing and operating joint overview and scrutiny committees (JOSCs).

Policy Intent

12.3 The aim of section 58 of the Measure is to enable joint scrutiny of collaborative arrangements, such as corporate joint committees, and strengthen scrutiny arrangements through the promotion of collaboration and the sharing of scrutiny expertise. This could include wider public service matters. Section 66 of the Local Government and Elections (Wales) Act 2021 amends section 58 to enable Welsh Ministers to also prescribe the circumstances when two or more principal councils must form a joint scrutiny committee.

12.4 Enabling local authorities to establish JOSCs is intended to make it easier to scrutinise the delivery of providers whose services cover more than one county, or to examine issues which cut across geographical boundaries. The provision for joint scrutiny expands the options currently available to councils in undertaking wider public service scrutiny, and provides for a more flexible way of working to secure improved outcomes. In addition, joint scrutiny can facilitate opportunities to share learning and scrutiny capacity across local authorities. The harnessing of 'collective intelligence' through JOSCs is intended to lead to more effective forms of governance, and higher standards of democratic accountability.

What are the benefits of Joint Scrutiny?

For Scrutineers

12.5 Where joint scrutiny exercises have taken place in Wales, participants have reported a number of benefits in having gained insight into, and knowledge from, other councils' scrutiny arrangements.

12.6 For example, it was found that councillors have been able to view issues from a wider perspective, leading to a more thorough exploration of the topics under consideration. Furthermore, the presence of different scrutiny chairs and support from alternative scrutiny officers has provided opportunities for cross-transference of learning and exchanges of good practice. Experiences of joint scrutiny have been found to stimulate members and officers to critically review and enhance their 'home' council's internal methods and ways of working, ultimately leading to a higher standard of scrutiny.

Benefits for Partners

12.7 From a partnership perspective, the benefits of a joint scrutiny approach are in bringing a fresh eye to developments at all stages of the decision-making process. JOSCs have the ability to bring forward new sources of information that decision-makers may not have considered in the development of plans, policies and strategies.

12.8 Non-executive members have a wealth of local intelligence and are well-placed to evaluate whether partnership priorities and methods of delivery are meaningful to local communities. Many councillors are linked in to a range of social networks and community groups and are able to feed views into decision making processes. Furthermore, JOSCs can help reduce duplication of accountability and reporting mechanisms by adopting a co-ordinated approach to the issue under enquiry.

Selecting the right issue for Joint Overview & Scrutiny

12.9 The effectiveness of a JOSC will be dependent on the reasons underpinning its establishment and the issue it intends to address. To secure the commitment and sustained interest of the principal councils involved, it follows that the topic chosen as the focus of a JOSC should be of relevance to all participants. The identification of a suitable topic for joint scrutiny will be dependent on effective forward work programme planning that seeks to consider issues of wider public interest, as well as those topics specific to a particular geographical area. Members and officers will need to be pro-active in exploring opportunities for joint scrutiny, checking to see whether there is compatibility in the forward work programmes of neighbouring or relevant authorities. Networking via regional and national scrutiny events, and the publication of forward work programmes will allow scrutiny practitioners to be more informed in this respect.

12.10 Some instances where a joint committee might be appropriate include:

- On-going monitoring of a joint service delivery mechanism;
- On-going review of a joint statutory partnership or other collaborative arrangement such as a corporate joint committee;

- Investigating a topic that may require a regional response (for example, waste management or sustainable development);
- Sharing scrutiny resources to investigate a similar topic of high interest or high importance to more than one authority (although not necessarily requiring a joint / multi-authority response).

Criteria for establishing a JOSC

12.11 In deciding whether or not to establish a JOSC, the following questions should be considered:

1. Does the topic involve the work of a strategic partner or partnership body whose services cover more than one local authority area? For example, a JOSC may wish to focus upon the work of a transport provider, third sector organisation or a relevant social enterprise whose services cross authority boundaries;
2. Does the issue or service affect residents across more than one county area or concern a particular population's needs? A JOSC may wish to consider thematic topics such as climate change, fuel poverty, grass-fires or road safety; or it may wish to consider services connected to particular groups of interest such as young adults with physical disabilities, teenage mothers or vulnerable older people;
3. What form of JOSC could reasonably be resourced? Undertaking effective joint scrutiny is dependent on participating councils engaging in the building of relationships, and putting in place systems of working and administration. In order that JOSCs can provide significant added value, care must be taken to ensure that its objectives are proportionate to its resources.

The importance of scoping and project management

12.12 Outline scoping should be undertaken to help determine whether or not to establish a JOSC. In identifying which partnership projects to progress and determining an appropriate methodology, practitioners should think carefully about whether examining a topic will result in added value or enhancement for each participant. In order to determine the likely success of joint work, it is strongly recommended that a project management approach be adopted to help ensure the objectives of joint scrutiny activity are delivered.

12.13 An informal feasibility study should be undertaken by likely participants in order that members and officers more specifically define areas of mutual interest, the type of scrutiny role intended to be undertaken, and the level of resource that could reasonably be dedicated to support a JOSC's effective functioning.

Preliminary work should also identify the likely risks associated with the scrutiny topic, and how it is intended that these be effectively managed.

Roles for Joint Overview & Scrutiny Committees

12.14 Local authorities can use JOSCs in a flexible way to suit their needs. For example, councils have the option to establish JOSCs on an ad hoc basis which may be more appropriate for forms of pre-decision scrutiny or consultation exercises; or councils may decide to establish 'standing' JOSCs which may be more useful in monitoring services or decisions over the medium to long term.

Powers of Joint Overview & Scrutiny Committees

12.15 The 2011 Measure enables Welsh Ministers to make regulations which will provide for JOSCs to have equivalent powers to other overview and scrutiny committees, as set out in existing legislation, and includes reviewing and scrutinising decisions of the Council's executive which have not yet been implemented ('call-in'). These regulations can be found here: [The Local Authorities \(Joint Overview and Scrutiny Committees\) \(Wales\) Regulations 2013 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

12.16 JOSCs may make reports and recommendations about any matter, other than crime and disorder matters which are covered by separate legislation and guidance under sections 19 and 20 of the Police and Justice Act 2006. This guidance does not preclude councils from working together on crime and disorder issues.

12.17 Councils should make efforts to co-ordinate their forward work programmes to avoid duplication and help ensure scrutiny activities are complementary where appropriate. JOSCs could operate in an environment where there is scrutiny of particular issues or organisations at both a joint regional level and at a local level. Clarity of roles will be important to avoid duplication.

12.18 A JOSC is only able to exercise functions in relation to matters which are identified by the appointing authorities. It is therefore important that the local authorities participating in the joint committee are clear from the outset about its roles, responsibilities and terms of reference.

12.19 Under section 58(3)(b) JOSCs also have the option of establishing sub-committees in the same way as single authority overview & scrutiny committees. It is important to note that any sub-committee would discharge only those functions conferred on them by the JOSC.

12.20 This provision will enable JOSCs to operate in a more streamlined and flexible manner in achieving the aims and objectives of the 'parent' JOSC.

12.21 In practice, the reporting arrangements for JOSCs will be informed by the reasons underpinning the committee's establishment and the outcomes intended to be achieved. An important factor for JOSCs to consider when determining reporting arrangements is the need to develop constructive working relationships with the executive groups of service providers who are subject to scrutiny. Consequently, it is suggested that the chairs of JOSCs should meet regularly with an appropriate executive representative to discuss priorities, approaches and planned areas of work.

Joint Overview & Scrutiny Committees and Call-In

12.22 With regard to call-in, JOSCs should be able to recommend that an executive decision made by one of the participating councils, made but not yet implemented, be reconsidered by the person(s) that made it or arrange for that decision to be exercised by the relevant Council.

12.23 However, in order to safeguard against potential abuse, councils should consider developing procedures where an executive decision of one of the participating councils of a JOSC may only be called-in by the JOSC if it is supported by an equal proportion of the participating Councils.

12.24 Whilst the above approach has been suggested to help ensure the integrity of the call-in function as it relates to JOSCs, this is ultimately a matter for councils to determine as part of their constitutional arrangements. In support of the development of such arrangements it is suggested that the number of members required to initiate a Call-In should, as a minimum, be set at half the total membership of the JOSC.

12.25 To illustrate, a worked example is set out in the following fictional scenario.

Councils A, B and C wish to work together to jointly commission services. A Joint Committee is subsequently established which is comprised of the executive members of each Council. A JOSC is also established to provide governance arrangements. The membership of the JOSC is comprised of non-executive Members from the three Councils.

A decision is subsequently made but not implemented by the executives of councils A, B and C. However, non-executive members from Council A consider that the decision made by the three executives may disadvantage Council A's local communities. Council A therefore wishes to call-in the decisions made by the three respective Councils.

In this instance, the JOSC could not call-in a decision made by the executive of Councils B or C unless the call-in procedure was supported by an equal number of members from Councils A, B and C.

The number of members able to call-in an executive decision of one of the participating Councils should be half of the JOSC's entire membership. That half must include equal numbers from each participating council. In the above example, should the total membership of the JOSC be twelve (four members from each Authority) then a call-in could only be made by two members from each Authority which would give six.

In the event that a JOSC would wish to call-in an executive decision made by Councils B and C, then it is advisable that each participating council undertake each call-in separately. That is not to say that two call-in processes could not run in parallel, only to recognise that any re-examination of an executive decision would have to take place on an individual basis within each participating council.

Appointing a Joint Committee

12.26 In establishing a JOSC which is additional to a council's existing scrutiny committee(s), a report setting out its role, responsibilities, terms of reference and intended outcomes to be generated by the joint exercise should be considered by each of the participating authorities appropriate scrutiny committees (or sub-committees) before being endorsed by full council.

12.27 The appropriate scrutiny committees (or sub-committees) would be those whose terms of reference are most closely aligned to the issue intended to be considered by means of a JOSC. This would help to ensure that the non-executive members of each local authority are able to participate in the decision to establish a joint committee and to ensure that a JOSC would add value and would not duplicate existing work programmes.

12.28 With regard to the remit of JOSCs it should be remembered that existing legislation relating to sections 19 and 20 of the Police and Justice Act 2006, excludes any matter which could be considered by a Crime and Disorder Committee from the work programmes of all other scrutiny committees, sub-committees and JOSCs.

12.29 Local authorities will need to give careful consideration to who they appoint to sit on JOSCs. It might be helpful in some instances to appoint members who already sit on the scrutiny committee whose terms of reference most closely match the issue to be scrutinised or the terms of reference for the proposed JOSC. However, in wishing to draw on the expertise and knowledge base of a wider pool of non-executive members this might not be the most appropriate

course of action, and it will be for local authorities to decide which members should be appointed to which committee.

12.30 In order to ensure JOSCs represent fairly the interests of each local authority, an equal number of committee seats must be allocated to each of the participating councils. JOSCs are not required to be politically balanced themselves but each participating council should aim to ensure that the membership of the JOSC it puts forward reflects, as far as possible, the political balance in the council.

12.31 The representation from an authority may include co-opted members from that authority who are either statutory or who have been accorded voting rights under the Crime and Disorder (Overview & Scrutiny) Regulations 2009.

12.32 The JOSCs may also decide to co-opt members who would be in addition to the allocations from each council. With regard to co-option as it relates to a JOSC, the following conditions may help committees determine their approach to co-option:

(i) Where the parent council/committee has appointed co-opted members to sit on the JOSC, the number of co-opted members should not exceed the number of elected members that have been identified by the parent council/committee to sit on the JOSC;

(ii) The JOSC should have the ability to appoint co-opted members if there are none contained within the body of the committee's membership.

12.33 With regard to the size of JOSCs, good practice suggests that the maximum number of seats should be set at no more than 16 for effective functioning. However, this is ultimately a matter for local authorities to decide as it is dependent on the issue intended to be considered.

Chairing a Joint Overview & Scrutiny Committee

12.34 The chair of a JOSC must be elected from the membership of the JOSC, and the election of the chair should take place at the first meeting of the Committee. JOSCs that are established on a long-term basis may decide to rotate chairs annually, or at some other interval, in order for each participating authority to have equal status, and to ensure that opportunities for member development are provided.

12.35 Where joint scrutiny exercises have taken place in Wales, it was found helpful to alternate the chairs amongst the participating local authorities. As such, councils may wish to give thought to allocating vice-chairs (if thought appropriate)

to the members of those authorities who are next scheduled to hold the position of chair. This would allow for a measure of continuity within joint arrangements and broaden the experience of participating members.

Officer Support for JOSCs

12.36 Where a JOSC is established, it is suggested participating councils should share the costs associated with the undertaking of joint scrutiny exercises. This should cover arrangements for officer support and research, as well as administrative support and provision of meeting venues.

12.37 Each council may wish to offer different types of scrutiny officer support in respect of resourcing JOSCs. For example, some councils may wish to offer administrative support, and others research and advisory expertise. Consideration should be given to how the JOSC could most effectively achieve its scrutiny objectives and how the standard of scrutiny could be raised including through the collective learning of each authority.

12.38 In recognition that officer support for scrutiny varies across local authorities, it is likely that the scrutiny support officers of participating councils will need to liaise regularly to co-ordinate and project manage the work of JOSCs, and consider how to make best use of available resources. When deciding joint support arrangements, factors to consider include the scrutiny capacity available and how well the expertise and skill sets of officers' link to the topic(s) identified for joint scrutiny.

12.39 Regular meetings may help to overcome any difficulties in aligning different cultures, methodologies and supporting mechanisms for scrutiny and will help facilitate transfer of skills and learning. Participating scrutiny officers and chairs should nominate a JOSC officer co-ordinator from amongst themselves to ensure a clear point of contact available for those engaged in joint activity.

12.40 It is recommended that those supporting JOSCs put in place opportunities for reflection at key stages (for example, at mid-term points) within the life cycle of scrutiny reviews. This would help ensure that participating authorities are satisfied with the support arrangements and are finding them of benefit in meeting the objectives of the JOSC. Scrutiny support arrangements may include rotating meeting venues of JOSCs among the local authorities represented on the joint committee. However, it may also be the case that the committee chooses to meet at the authority which is geographically most central to minimise travel times for those involved.

12.41 In order to function effectively, JOSCs should formulate a forward plan to identify what issues the JOSC intends to focus upon during the course of the year or duration for which it is established.

12.42 The forward plan should provide a clear rationale as to the purpose of considering a particular topic, and to the methods by which it will be investigated. Attempts should be made to develop an outcome-focused forward plan rather than one which is process-orientated.

12.43 As JOSCs may be either ad hoc or standing, care will need to be taken to ensure that its forward plan corresponds with the committee's original purpose. For example, in the instance where several authorities may wish to form a JOSC to investigate a cross-cutting issue such as substance misuse, its forward plan should serve to act as the investigation's project plan since the investigation should have a clearly-defined start and finish.

12.44 Where a JOSC may have been formed to consider the work of a strategic partnership, its forward plan should be driven by evidence of community need and a sound understanding of the partnership's priorities, risks and financial pressures. In addition, the forward plans of JOSCs should be agreed in consultation with partners where possible.

12.45 JOSCs must also have regard to guidance relating to section 62 of the Measure which places a requirement on local authorities to engage with the public. The JOSC publishing its forward plan as soon as is reasonably possible in order that interested groups and individuals are able to provide comment and offer their views is integral to complying with this duty.

Appointing a sub-committee of a JOSC

12.46 JOSCs are able to appoint sub-committees. This provision extends the range of options available to a JOSC in being able to effectively investigate and make recommendations for improvement as they relate to issues of public interest or concern.

12.47 As is the case with sub-committees appointed by single authority scrutiny committees, sub-committees of a JOSC can only exercise the functions conferred upon it by the 'parent' JOSC. In the interests of fairness and effective working, a sub-committee of a JOSC should, where possible, consist of equal numbers of representatives from each participating authority.

Ways of Working

The following section is not statutory guidance but has been included as a way of working which JOSCs may wish to consider.

Task and Finish Groups

12.48 Where elected members have been involved in task and finish groups of single authority scrutiny committees, they have reported a number of benefits from working in smaller, more structured teams. For example, members with differing levels of scrutiny experience and subject knowledge are able to gain confidence and motivation by working collaboratively with more experienced councillors and co-opted members. Similarly, task and finish group working can develop positive peer relations as a result of a members working collectively towards a common goal.

12.49 In the event that a JOSC may wish to establish a task and finish group to consider a particular issue in more depth, it is suggested that JOSCs limit the membership of a task and finish group to include any co-opted members the JOSC may wish to appoint.

12.50 Depending on the nature of issue under consideration, JOSC task and finish group investigations can either be 'light-touch' where recommendations can be identified at a relatively early stage and strictly time-limited, or a very intensive investigation involving a range of 'Expert Witnesses', site visits and the commissioning of supporting research as is currently the practice for the majority of overview and scrutiny committees.

12.51 It is often the case that task and finish groups have significant resource implications and for this reason it is suggested that a JOSC think carefully about the number of task and finish groups that can effectively be run and supported at any one time.

12.52 As a means of ensuring that a task and finish group of a JOSC fulfils its objectives, it is recommended that a project management approach be adopted. This should include developing a project brief for the task and finish group's work, a project plan and the production of highlight reports to the parent JOSC to ensure it is kept informed of the investigation's progress.

13.0 Democratic Services Committees Statutory Guidance

Status of this Guidance

13.1 This statutory guidance for Democratic Services Committees made under Sections 8 (1A) and 16 of the Local Government (Wales) Measure 2011 (the Measure). This guidance replaces previous guidance issued on this matter in 2012.

Purpose of this guidance

13.2 This guidance is provided to assist principal councils in the effective running of their democratic services committees.

Introduction

13.3 The Measure contains provisions related to the strengthening of local democracy including the requirement for principal councils to have a democratic services committee. The purpose of the committee is to ensure those councillors outside the executive leadership have the support and resources to fulfil their duties and play a full role in the operation of the local authority.

13.4 This is critical to good governance and enabling the council to demonstrate it is effectively supporting and resourcing scrutiny as part of its duties in sections 89 and 90 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act) relating to keeping performance under review and consulting local people on performance. It is also critical to enable both scrutiny and elected members in their representational role to engage with the public thus contributing to meeting the duties set out in sections 39 to 41 of the 2021 Act in relation to encouraging local people to participate in decision making and participation strategies.

Head of Democratic Services

13.5 Each county and county borough council is required to designate one of their officers as “Head of Democratic Services” (HDS) and provide that officer with sufficient support to do their job (section 8(1) of the Measure). Section 8(1A) enables the Welsh Ministers to issue statutory guidance to councils about the exercise of their function in relation to the provision of staff, accommodation and other resources which are, in the council’s opinion, sufficient to support the HDS in discharging their functions.

13.6 The person designated as HDS must be designated by the democratic services committee (section 11(1)(a) and must not be the council’s chief executive or chief finance officer, section 8(4) as amended by section 161 of the 2021 Act which removed the prohibition on a council designating the same officer monitoring

officer and head of democratic services. The same section of the 2021 Act amends section 43(2) of the Localism Act 2011 to include the head of democratic services in the definition of 'chief officer' for the purposes of pay policy statements.

13.7 The post of HDS is a politically restricted post within the meaning of the Local Government and Housing Act 1989 (section 21) and the designated officer is defined as a chief officer for the purposes of the Local Authorities (Standing Orders) (Wales) Regulations 2006 as amended. In these regulations, the HDS is provided the same 'statutory protection' in relation to disciplinary action as the council's chief executive, monitoring officer and chief finance officer (s151 officer). Underlining the important role they undertake in ensuring the good governance and democratic accountability of the council.

13.8 The HDS is able to delegate any of their functions to any of their staff (section 8(2)). The functions of the HDS are:

- a) to provide support and advice (but see note 1 below) to the authority in relation to its meetings;
 - to committees of the authority and the members of those committees;
 - to any joint committee which a local authority is responsible for organising and the members of that committee;
 - in relation to the functions of the authority's overview and scrutiny committee(s), to members of the authority, members of the executive and officers; -
 - to each member of the authority in carrying out the role of member of the authority (but see note 2 below);
- b) to promote the role of the authority's overview and scrutiny committee(s);
- c) to make reports and recommendations in respect of the number and grades of staff required to discharge democratic services functions and the appointment, organisation and proper management of those staff;
- d) any other functions prescribed by the Welsh Ministers.

[Notes

1. the function of providing advice about whether or how the authority's functions should be, or should have been, exercised, only applies to advice concerning the functions of the overview and scrutiny and democratic services committees;
2. in this case, advice to a member does not include advice in connection with their role as an executive member, and does not include advice about a matter being or to be considered at a meeting (other than a meeting of an overview and scrutiny or democratic services committee).]

13.9 The Measure enables Welsh Ministers to make regulations requiring local authorities to include within their standing orders provisions concerning the management of the staff provided to the HDS. For these purposes, “management of staff” does not include appointment, dismissal or disciplinary action (section 10).

Democratic Services Committees

13.10 Each council must also establish a democratic services committee (DSC) to perform the following roles (section 11):

- carry out the local authority’s function of designating the HDS;
- keep under review the provision of staff, accommodation and other resources made available to the HDS, in order to ensure that it is adequate for the responsibilities of the post;
- make reports to the full council in relation to these matters.

Each DSC can decide how it carries out these functions.

13.11 The full council must appoint the members of the DSC, which must consist solely of councillors and cannot include more than one member of the executive or assistant to the executive. Any executive member must not be the council leader. The rules concerning allocation of seats to political groups apply to the DSC.

13.12 The council must also appoint the chair of the DSC, who must not be a member of any of the political groups represented in the executive. The exception to this is when a council has no opposition groups. In this case, any member of the DSC can be appointed as chair provided the member is not a member of the executive (section 14((1), (2) and (9)).

13.13 The DSC can appoint its own sub-committees and delegate functions to them (section 13). The DSC appoints the chair of any sub-committee (section 14(3)).

13.14 A DSC has the power to require the attendance of any members or officers of the council to answer questions and can invite anyone else it likes to do so also. If a member or officer is required to attend they must answer any questions unless the question is one which they would be entitled to refuse in a court (section 14(5) to (7)).

13.15 DSC meetings and sub-committees are to be open to the public as is normal in council meetings and subject to the same regime of accessibility in general (section 14(8)). The DSC must meet at least once a year (section 15(1)) and, additionally if the full council so decides or at least a third of the members of the DSC demands a meeting (section 15(2)). There is no limit on the maximum

number of meetings a DSC may hold. The onus lies on the chair to ensure that meetings are held when required (section 15(3)).

13.16 The DSC must have regard to guidance from the Welsh Ministers when exercising its functions (section 16(2)).

13.17 Any report presented to the DSC by the HDS must be considered by the DSC within three months. Similarly, any report made by the DSC must be considered by the full council within three months (sections 18 and 19). The procedures relating to the operation of the DSC should be included in the council's constitution.

Functions of the DSC

Designating the Head of Democratic Services

13.18 Only the DSC or a sub-committee of the DSC can designate the HDS. How this operates in practice will vary and a DSC can decide itself how it wishes to do this. However, the expectation is there would be discussion with the chief executive and relevant member(s) of the council executive, for example, to agree whether the post should be advertised externally, in which case the procedures for appointing staff described in the council's standing orders must be followed.

13.19 It would be a sensible arrangement for the DSC to be consulted on the advertising, interview and selection process, even though it would be the council, not the DSC, which would appoint as the employing body. The appointment could, however, be made subject to the DSC subsequently designating the selected person as HDS.

13.20 The person designated as HDS is not prevented from performing other roles within the authority. Just as the chief executive will have other duties to perform outside their statutory role, so too could the HDS. However, local authorities should take care to ensure that any other duties do not conflict with their HDS role and the DSC will need to be satisfied that the person designated has sufficient time to conduct his/her functions despite any other roles they may have.

Making Recommendations on the adequacy of the provision of staff, accommodation and other resources

13.21 It is the function of the DSC to consider, and make recommendations as to, the adequacy of the provision of staff, accommodation and other resources for the exercise of the functions which fall to the HDS. The functions known in many local authorities as members' services, committee services and overview and scrutiny support would fall within the HDS responsibilities.

- 13.22 The HDS must present a report to the DSC describing what they feel to be a reasonable level of support for democratic services functions. The DSC, however, cannot make the final decision on these matters. It must submit its own report to the full council, arguing the case for necessary resource. It may well be that full council will modify or reject the DSC's report, in which case it could be advisable for the DSC to consider alternative proposals, which may involve a period of negotiation involving the HDS, Chief Finance Officer and the appropriate executive member.
- 13.23 In considering the DSC's recommendations the council should take into account the contribution the work of the HDS and the DSC make to the good governance and effective democratic accountability of the council, including the contribution this work makes to the council meeting its duties in sections 39 to 41 of the 2021 Act relating to the duty to encourage local people to participate in decision making and its strategy on public participation and its contribution to sections 89 and 90 of the 2021 Act to keep its performance under review and consult with local people on performance. Ensuring all members are adequately supported and trained, that scrutiny is adequately resourced and committees have access to high quality analysis and information is a cost of effective democracy. It is noted councils will have competing pressures for resources, including for essential front line and statutory services, careful consideration of cumulative impacts of resourcing erosion or reductions in relation to democratic services should therefore be part of considerations on the DSC Committee's report.
- 13.24 The final decision on resources will rest with full council but the Measure places the responsibility on the authority itself to ensure that the HDS is provided with sufficient staff, accommodation and other resources as are, in the council's opinion, sufficient to allow the HDSs functions to be discharged (section 8(1)(b)) and it must therefore fully explain any decision not in keeping with the recommendations of the DSC. See guidance on Research Support and Services for Councillors Statutory Guidance (Part 2, 3.0).

14.0 Governance and Audit Committees Statutory Guidance

Status of this Guidance

14.1 This is statutory guidance under section 85 of the Local Government (Wales) Measure 2011 (the Measure). It replaces any previous guidance issued under this section.

Purpose of this Guidance

14.2 The purpose of this guidance is to set out the key matters councils must take into consideration when establishing and operating governance and audit committees.

Overview

14.3 Councils must establish a Governance and Audit Committee. The committee has the following functions (s81, Local Government (Wales) Measure 2011):

- review and scrutinise the authority's financial affairs;
- make reports and recommendations in relation to the authority's financial affairs;
- review and assess the risk management, internal control, performance assessment and corporate governance arrangements of the authority;
- make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements;
- review and assess the authority's ability to handle complaints effectively;
- make reports and recommendations in relation to the authority's ability to handle complaints effectively;
- oversee the authority's internal and external audit arrangements, and
- review the financial statements prepared by the authority.

14.4 The Welsh Government's view is that well-functioning governance and audit committees are critical to the effective governance of councils. They should be viewed positively by all council members as part of the improvement and governance system. They also have an important role to play in improving strategic planning and facilitating both scrutiny and constructive challenge within the structures of a council.

14.5 In addition to these statutory functions, a council can confer other functions on the committee which it deems suitable for it. Each governance and audit committee can decide how it wants to carry out its functions, but in doing so it must have regard to this guidance.

14.6 Detailed guidance on the operation of governance and audit committees has been produced by Chartered Institute of Public Finance and Accountancy

(CIPFA). In deciding how the Governance and Audit Committee will operate and how it will transact its key tasks, councils and committees themselves should consider the intersection between the formal role of this committee and the role of other bodies – in particular, the Democratic Services Committee (in respect of corporate governance) and the Overview and Scrutiny Committee(s) (in respect of financial oversight and review of strategic risks).

Membership

- 14.7 The full council must have regard to this guidance when determining membership. Two thirds of the members of the committee are to be members of the council and one third must be a lay members. Only one member of the executive or assistant to the executive may sit on the committee, and that person must not be the leader (s82, Local Government (Wales) Measure 2011).
- 14.8 The chair of the committee is to be decided upon by the committee members themselves. However, the chair must be a lay member. The committee must also appoint a deputy chair who must not be a member of the council's executive or an assistant to the executive (section 81, subsections 5A, 5B and 5C of the Measure). All committee members, including lay members, have the right to vote on any issue considered by the committee. Lay members are therefore required by statute to comply with the council's code of conduct made under Part 3 of the Local Government Act 2000 and uphold the highest standards of ethical conduct.
- 14.9 The rules within section 15 et seq of the Local Government and Housing Act 1989 apply to governance and audit committees. The authority must however decide how many non-councillors should be appointed to the committee, and all members of the committee should display independence of thinking and unbiased attitudes, and must recognise and understand the value of the governance and audit function.
- 14.10 All new members will need to be provided with induction training. Although it is to be hoped that appointed councillors would have some relevant expertise, this cannot be guaranteed. What will be important, though, is to try and ensure that members do not have any other responsibilities which might conflict with their role on the governance and audit committee. That might be particularly the case in the choice of any executive member or assistant to the executive on the committee.
- 14.11 It may also mean that the members should not have too many other commitments, in general such as membership of other committees because of the significant commitment which being a member of the governance and audit committee implies. All members should receive adequate training and development.

14.12 The governance and audit committee should try and ensure it appoints a member as chair who will be strong and experienced enough to lead the questioning which the committee will have to perform.

14.13 Whatever recruitment method is employed, lay members should be independent from the council and have no business connection with it, although knowledge of how local government functions would be a definite advantage. In appointing lay members whose political allegiances are well known, local authorities should consider if this compromises the independence and perception of independence from the council a lay member should demonstrate. Councils should follow a public recruitment exercise, similar to that used to appoint members of standards committees, to recruit their lay members. It is recommended that a lay member should not be appointed for more than two full terms of a local authority.

Meetings and Proceedings

14.14 As a committee of the council, the governance and audit committee is subject to normal arrangements of openness. Meetings should be held in public, agendas and reports should be published and available for inspection. The exception to this is where “exempt items” are being considered, which are chiefly matters which involve discussions concerning named individuals or commercial in confidence matters.

14.15 Any officer or member called to attend the governance and audit committee meeting must do so. They must answer any questions asked of them save ones which they could refuse to answer if they were in court. The committee can invite other persons to attend before it, but anyone else so invited to attend is under no compulsion to do so.

14.16 The committee must meet at least once a year and must also meet if the full council so decides, or if at least a third of the committee’s members require that a meeting be held. Beyond these stipulations, the committee can meet whenever it determines.

14.17 The Welsh Government suggests councils consider appropriate publications by relevant professional bodies such as CIPFA when establishing and reviewing their procedures for governance and audit committees.

Functions of a Governance and Audit committee

Reviewing the authority’s financial affairs

14.18 Section 151 of the Local Government Act 1972 requires local authorities to make arrangements for the proper administration of its financial affairs. Putting in place the governance and audit committee and providing it with the duty to keep the authority's financial affairs under review must be viewed as assisting in the fulfilment of this requirement.

14.19 This is an area which is given close attention by the authority's external auditors and ties in with the duty of the governance and audit committee to oversee the arrangements for internal and external audit, and also the need to monitor the internal control and risk management arrangements made by the authority.

14.20 Local authorities should make their own arrangements, in their constitution, to provide for clear demarcation between the role of the governance and audit committee and that of a relevant scrutiny committee. The governance and audit committee role should be more to seek assurance that the budgetary control systems (as an internal control) of the council are working, rather than the actual scrutiny of spend. This may serve as acceptable demarcation between the role of the governance and audit committee and that of an overview and scrutiny committee.

Risk management, internal control, performance assessment and corporate governance arrangements of the authority

14.21 The attention to this matter should raise the profile of risk management as a necessary control tool within the authority as a whole. By providing regular review, the governance and audit committee forms a significant part of the authority's corporate governance system.

14.22 The authority should have a clear 'Statement of Purpose' for its governance and audit committee, ensuring the committee has a prime role in ensuring effective corporate governance is central to the organisation's procedures. As such, the governance and audit committee should review the Annual Governance Statement¹ and Corporate Governance Strategy. An effective and high profile governance and audit committee is critical to engendering public confidence that the authority has a solid approach to its financial and organisational propriety.

¹ ¹ An Annual Governance Statement is a document which sets out a council's arrangements for decision-making and governance. The AGS is the product of a review of council governance carried out by senior officers. There is no obligation on Welsh councils to prepare an Annual Governance Statement. As there is no legal obligation to produce an Annual Governance Statement, Welsh Government is not providing statutory guidance on this matter. However, councils will note the presence of the local government accounting standards. Councils could consider how the AGS can be used as a tool for broader corporate improvement; it can be used to evaluate strengths and weaknesses in the governance framework and, as part of an annual action plan, take forward agreed changes accordingly.

14.23 The governance and audit committee will need to report on the adequacy of the authority's risk management and internal control arrangements, and comment on their effectiveness. It will also follow up on risks identified by internal and external auditors and require reports as to action taken in response. This means the council must ensure the governance and audit committee is briefed on the contents and recommendations contained in auditor's reports and has access to them. It should also have access to reports from regulators where these have identified risks, failures in internal control or the corporate governance systems of the council. It would be good practice for all reports from auditors and regulators to be shared with the governance and audit committee as a matter of course.

14.24 In addition to these existing duties, the 2021 Act added a new duty to this group of duties which requires the governance and audit committee to review and assess and make reports of the effectiveness of the arrangements the council has put in place for the performance assessments it is required to complete under section 91 of the Local Government and Elections (Wales) Act 2021 in order to fulfil its duty to keep performance under review in section 89 of the 2021 Act. This is not intended to be a repeat of the performance assessment itself but consideration, for example, of the rigour and comprehensive nature of the process. Neither is it intended to duplicate the role of overview and scrutiny committees in holding the council's executive to account in relation to the performance management of the council's services.

14.25 The council must make a draft of its self-assessment report (and panel assessment report when published) available to its governance and audit committee. The committee must review the draft reports and may make recommendations for changes to the conclusions or action the council intends to take. If the council does not make a change recommended by the governance and audit committee, it must set out in the final self-assessment report (or response to a panel assessment report) the recommendation and the reasons why the council did not make the change.

Review and assess the authority's ability to handle complaints effectively

14.25 The way in which an organisation manages its internal and external complaints process for service and organisational complaints (consideration of the complaints process for complaints made under the members' code of conduct is not a function of the Governance and Audit Committee) is an integral part of its corporate governance systems. It is vital that people, communities and other stakeholders have trust and confidence their complaints will be treated with due respect and gravity. It is also important that staff and others internal to the organisation have trust and confidence internal complaints are treated with similar respect.

14.26 The role of the governance and audit committee is not to consider whether individual complaints have been dealt with appropriately but to consider the effectiveness of the complaints process. For example, is the process accessible to everybody in the community, is the council giving proper consideration to its statutory duties in relation to equalities and Welsh language when handling complaints, is there internal learning built into the complaints process to improve systems and services going forward. The Welsh Government expectation is that councils provide the PSOW with an assessment of the arrangements in place for handling complaints and the effectiveness of its approach as part of its regular communication with the PSOW.

Internal and external auditors

14.27 An effective governance and audit committee should provide the authority's chief finance officer with advice which can serve to bolster the work of internal and external auditors. The committee can ensure that audit reports are kept in the authority's mind, so timing of meetings might be planned so as to effectively follow-up auditors' recommendations.

14.28 The governance and audit committee will expect to input into the planning of internal audit priorities, approving the annual programme of audits and ensuring the internal auditors have the necessary resources to conduct their work effectively. They will want to meet with the Head of Internal Audit and receive their annual report.

14.29 The governance and audit committee should also receive the reports from the external auditors and follow up their recommendations during the year. The committee should have a role in agreeing the authority's response to the auditor's letters or reports as well as being able to meet with the external auditor.

14.30 In addition, the governance and audit committee should receive and consider reports from any regulators or inspectors. In respect of these, the authority will need to ensure there is no unnecessary duplication between the governance and audit committee and any overview and scrutiny committee in considering such reports.

Financial statements

14.31 Before their approval by the authority, the governance and audit committee should consider and comment on the authority's certified draft financial statements. They will want to see to what extent the statements take cognisance of audit reports during the year, and changes in accounting policy and internal control mechanisms. The Committee should also review the external audit

statement and also seek assurance on the management of the council's financial affairs. Any concerns should be reported to the Council.

14.32 Governance and audit committees may approve the financial statements themselves where local authorities have delegated that power to them under regulation 10 of the Accounts and Audit Regulations (Wales) 2014 (as amended).

Governance and Audit Committee Reports and Recommendations

14.33 Reports and recommendations by the governance and audit committee should be considered by full council in particular, as well as the executive. The processes for these considerations should be set out in the council's constitution.

15.0 Guidance on multi-location meetings

Status of this guidance

- 15.1 This is statutory guidance issued under section 47 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act).

Purpose

- 15.2 The overall purpose of the Welsh Government in amending the law to give relevant authorities powers and freedoms to convene meetings in this way is to achieve greater accessibility and improved public participation in local government. These powers are closely connected with the new requirement for principal councils to broadcast (by audio and/or video) certain meetings.
- 15.3 Multi-location meetings offer authorities the potential to update and transform the way they do business. It provides opportunities for authorities to become more flexible and efficient and also raise their profile in the local community and to bring their work directly into people's homes. Public access to multi-location meetings is likely to be significantly higher than the level of audiences of formal meetings when all were held physically – attendance levels during the pandemic bear this out. This heightened public awareness and involvement is to be welcomed – and further encouraged. In particular, authorities will need to think directly about the needs of the public as they design their arrangements and policies for multi-location meetings. While these meetings are still “meetings in public” rather than “public meetings” – by and large the public will be able to observe but not participate – they provide a crucial opportunity for accountability and transparency, and an accessible shop window for many public bodies.
- 15.4 This guidance is for principal councils, National Park Authorities, Fire and Rescue Authorities, and Port Health Authorities. This guidance does not cover the arrangement by other public bodies of their own formal meetings, or the organisation by public bodies (including councils) of public meetings or any other gathering. It also does not include the convening of formal meetings by corporate joint committees (CJCs) or community councils, which are covered in separate guidance.
- 15.5 This guidance is intended for:
- Participants in meetings convened by the authorities listed above;
 - Officers providing support to formal meetings in these authorities;
 - Officers with adjacent responsibilities – for example, those responsible for drafting and clearing reports, attending meetings to present reports to

members and officers with supervisory responsibilities on governance matters;

- Anyone with an interest in the way in which the business of these authorities is conducted.

15.6 Generally speaking the requirements for all relevant authorities is similar, although differences do exist – especially relating to the convening of multi-location meetings of local authority executives, (from paragraph 15.71).

15.7 Relevant authorities are required to “have regard to” the guidance. Where authorities are under an existing statutory obligation to carry out an act the guidance says that they “must” do something; where there is no such obligation but the guidance presents a suggestion on a possible course of action, the guidance says that a council “can” or “may” do something.

How this guidance was developed

15.8 This guidance was developed between February and April 2021. It was drafted by the Centre for Governance and Scrutiny, Cardiff University and Public Governance Wales, who were commissioned by Welsh Government to speak to people with a stake and interest in this area and to develop the text as a result of these conversations.

15.9 This guidance will be reviewed periodically.

Definitions of words used in this guidance

15.10 Generally, the words used in this guidance have the same meaning as they do in the 2021 Act.

15.11 A “relevant authority” is an organisation which is required to put in place arrangements for multi-location meetings. This covers principal councils, Fire and Rescue Authorities, National Parks Authorities and Port Health Authorities. It also includes joint committees of these bodies. The obligations of corporate joint committees (CJCs) and of community and town councils are covered in separate guidance.

15.12 A “meeting” is a formal meeting of a relevant authority convened in accordance with whatever the legal requirements are for such meetings. Formal meetings are usually those where formal decisions can be made; these meetings may need to be held in public and that notice is published beforehand that they are being held. This is not always the case as some meetings, or parts of meetings, are held in private due to confidentiality or exempt issues being discussed. When we talk about these meetings being “convened”, we mean the process involved in organising the meeting and setting and distributing an agenda and

reports.

15.13 A “multi-location meeting” is a meeting of a relevant authority whose participants are not all in the same physical place. In some places these are colloquially described as “remote” meetings. The 2021 Act does not refer to these meetings as “remote”, but that they are attended by “persons who are not in the same place”.

15.14 At least one participant may be joining the meeting by remote means. For example, this includes meetings of the type described below:

- Meetings of a committee where all participants are in the same physical location except one individual who joins from another location, with a physical public gallery being provided;
- Meetings of a committee where a roughly equal number of members are present in a physical space and joining through remote means; those joining through remote means may include the Chair;
- Meetings of a committee where all members are joining through remote means but nonetheless a physical public gallery has been made available in authority premises;
- Meetings of a committee taking place wholly through remote means where no physical arrangements have been made.

15.15 Some have described the kinds of meetings described above as “hybrid meetings”. This guidance and Section 47 of the 2021 Act makes no distinction between meetings where some participants join by remote means and those where all participants do so, but meeting arrangements will need to account for the practical differences that different forms of meetings will take, and make plans accordingly.

15.16 The definition of “Joining a meeting by remote means” is being in a different physical location to that of other participants, and participating through an online meeting platform. Where participants are present in a committee room or other physical space which is publicised (through a formal notice) as being the location of the meeting, those participants are present physically.

15.17 A “participant” of a multi-location meeting is a person who takes an active part in that meeting. They might be a member, a person giving evidence to a committee as a witness, an appellant or claimant on a regulatory matter, someone presenting a petition, or taking part formally in another way.

15.18 An “observer” of a multi-location meeting is a member of an audience, or otherwise spectating, a multi-location meeting. They might be in the same room

that a meeting is taking place or they might be observing by remote means.

15.19 “Meeting arrangements” are the rules and procedures that relevant authorities adopt to act on their statutory requirements relating to multi-location meetings, and to act on the recommendations in this guidance. This guidance suggests that these arrangements will form part of relevant authorities’ constitutions, where they are required.

Background to multi-location meetings

15.20 Arrangements were first made in legislation to allow for “remote meetings” in section 4 of the Local Government (Wales) Measure 2011.

15.21 At the outset of the coronavirus pandemic in March 2020, the Welsh Government produced the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020. These established a framework within which all relevant authorities convened meetings by remote means throughout 2020 and part of 2021. Experience operating meetings under these Regulations has provided relevant authorities with significant expertise in understanding and managing multi-location meetings, now they have been placed on a new statutory footing. The provisions in the 2021 Act can be seen as an evolution of these prior arrangements.

The benefits of multi-location meetings

15.22 Councils, and other relevant authorities, convened meetings by remote means throughout much of 2020 and 2021. While meeting this way proved challenging in the context of the global coronavirus pandemic, it has also resulted in a number of benefits.

- Enhancing and supporting local democracy. Having the flexibility to convene meetings in this way will reduce the barriers that might previously have been in place for explaining and demonstrating how relevant authorities do business;
- Working more productively. When participants come together by remote means, they have often been able to get more done. Multi-location meetings have also resulted in a dramatic reduction in the amount of paper needed and produced. The move to an approach which sees the production of formal notices and other material as being “online by default” will make it easier for councils to innovate around the use of formal meeting material;
- Making it easier for the public to attend meetings. Although experiences have been mixed, public attendance has been higher for multi-location meetings than for meetings in person. Some relevant authorities, in particular, found both before and during the pandemic that multi-location meetings have made it possible to include external participants actively, ensuring that committees

can benefit from a greater range of views. Relevant authorities have reported that members of the public think that multi-location meetings are much less intimidating than those held in person, and that they have the potential to encourage more people to stand for public office. For some though, multi-location meetings will also present challenges – for example, those with poor broadband connections or disabled people, or those unable to access meetings over the internet for other reasons;

- Making relevant authorities more resilient and sustainable in how they carry out their work. The Wellbeing of Future Generations (Wales) Act 2015 requires relevant authorities to think about, and act on, long term needs in the way that policy is developed and made. Multi-location meetings reduce the carbon footprint of physical meetings (although digital activity is not of course carbon-neutral). They can also help relevant authorities to reduce the risk of future unexpected events – such as extreme weather – which could in future present a challenge to in-person meetings. Issues of sustainability are explored in more detail below;
- Making the use of the Welsh language easier. Relevant authorities' experience during 2020 has been that the simultaneous translation on platforms such as Zoom has reduced some of the practical difficulties which some authorities have experienced around facilitating bilingualism in public meetings;
- Reducing the need for travel. For more rural relevant authorities and for relevant authorities covering large geographical areas and for joint bodies, significant time and cost savings for councillors, officers and other participants have arisen. In turn, this makes it easier for participants to take part if they have professional and caring commitments – potentially removing some significant barriers to standing for public office;
- Better support for members from diverse backgrounds, including support that recognises the social model of disability. Just as barriers are being removed to public participation, multi-location meetings have made it easier for care providers, or disabled people, or people with other protected characteristics, to engage on an equal footing. In some cases, participants have found the formality of physical meetings to be off putting, and multi-location meetings have removed this factor. Of course, this raises broader issues around the way that relevant authorities work generally, and the extent to which they welcome participation and involvement from a wide range of people. These are not matters which will be resolved through multi-location meetings alone, but such meetings could be a tool that will, in due course, help a wider range of people to take an active role in local democracy;
- Better behaviours. Although experiences have been mixed, on the whole meeting management and the behaviours of participants have both improved. It has been easier for Chairs of meetings to understand who wants to make a contribution, although it is harder to read body language.

Disruption of meetings by political argument (for example) seems to have been less of a theme as well.

15.23 Physical meetings should not be seen as representing the “gold standard” with multi-location meetings being second best. Physical meetings may be convenient and effective for those most familiar with and comfortable with how they work – but they may also be inaccessible and impractical to many. **All meetings that meet the required communication and quorate arrangements have equal status under the law.**

15.24 For some, there have been drawbacks to multi-location meetings. In particular, people have had worries about the need for more council officers to support them. In time, ongoing experience is likely to improve this and reduce the amount of resource required to support them.

What this guidance covers

15.25 This guidance focuses particularly on arrangements for the convening of formal meetings held by relevant authorities under the 2021 Act , and the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 as amended by the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) (Amendment) Regulations 2021.

15.26 Guidance for principal councils on broadcasting these meetings, where required in law, is being provided separately.

15.27 Together, this legislation updates arrangements for the management of these meetings and enhances transparency and public access.

15.28 This guidance also engages with other enactments relating to this issue, as well as with the wider local democratic context within which the Act sits.

15.29 This guidance focuses particularly on arrangements for the convening and broadcast of formal local authority meetings. Provisions relating to local authority meetings are included in various pieces of legislation, including but not limited to:

- The Local Government and Elections (Wales) Act 2021;
- The Local Government Act 2000;
- The Local Government Act 1972;

- The Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 as amended by the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) (Amendment) Regulations 2021. The National Park Authorities (Wales) Order 1995;
- The North Wales Fire Services (Combination Scheme) Order 1995;
- The Mid and West Wales Fire Services (Combination Scheme) Order 1995;
- The South Wales Fire Services (Combination Scheme) Order 1995.

15.30 Chapter 4 of Part 3 of the 2021 Act covers meetings convened by relevant authorities, as well as by certain other bodies and organisations. In respect of principal councils, community and town councils, National Parks Authorities, Fire and Rescue Authorities and Port Health Authorities, it covers:

- Electronic broadcasts of meetings. Principal councils must make arrangements for broadcasting certain meetings live, and ensuring that broadcasts are available electronically afterwards. A failure to comply with this requirement does not necessarily make proceedings invalid (s46). Separate Regulations and guidance are being prepared on this matter;
- Attendance at meetings: Relevant authorities must make arrangements for “multi-location” meetings, at which participants can speak to and be heard by each other. Where meetings must be broadcast participants must also be able to see each other (s47);
- Notice of meetings, and publication of agendas: Relevant authorities must publish certain information, including notices of meetings, electronically, and electronic information relating to meetings must remain available in this format for six years following the date of the meeting (Part 1 of Schedule 4 to the 2021 Act, amending the Local Government Act 1972). Relevant authorities must also put in place facilities for the public who would otherwise not be able to do so, to access meeting documents.

15.31 Arrangements for the broadcast of meetings (physical or multi-location) held by relevant authorities is explored in separate Regulations and came into force in May 2022 and separate guidance will apply. However, relevant authorities are likely to need to consider the requirement to broadcast alongside the need to make provision for multi-location meetings. This is the reason for suggesting that meeting arrangements take account of both requirements.

General principles

15.32 Relevant authorities will need to think about and agree independently the details of their own arrangements for multi-location meetings. In doing so, they should be guided by the following general principles.

15.33 All of the below relate to legal obligations. In developing meeting arrangements, relevant authorities will need to explicitly assure themselves that these principles are understood, taken into account and acted on, possibly through being the subject of specific discussion at meetings to ensure standing orders are amended by Democratic Services Committees or other bodies in relevant authorities.

15.34 Of paramount importance are the needs of local democracy. Local people need to have confidence that relevant authorities have systems in place that meet their needs – this might be about observing meetings, participating in them, and using this to hold to account a meeting’s participants for what they see and do. Relevant authorities’ approach to multi-location meetings has to be seen as part of the wider support and commitment to local democracy. The other principles described below need to be considered in light of this.

Transparency

15.35 Formal meetings of relevant authorities will be spaces in which democratic debate and decision-making happen. It is fundamental that these meetings are held in public (subject to the specific exceptions available), and that the public are able to access and engage with them. Relevant authorities will need to think about wider legal requirements around transparency, and accessibility, and what that means for the way that they carry out meetings. These meetings allow public and media involvement as observers whether they are held in person or virtually.

(Local Government Act 1972, s100 et seq., Schedule 12 and 12A and related legislation).

Accessibility

15.36 Democratic systems need to be organised and arranged to account for barriers that members of the public might experience. Multi-location meetings have the potential to enhance and improve access for participants. This will not happen automatically however, and meeting arrangements will need to be specifically designed to help this to happen.

15.37 Relevant authorities’ meeting arrangements will need to have regard for the protected characteristics under the Equality Act 2010, including ensuring that accessibility is considered in the context of the social model of disability, and for ensuring that the impact of its decisions on democratic arrangements are understood from these perspectives.

[\(Equality Act 2010\)](#)

Good conduct

15.38 In line with the Nolan Principles, multi-location meetings, as with any other public meeting, should demonstrate high standards of conduct.

15.39 Multi-location meetings have in many places led to changes in conduct, and an improvement in behaviours. Meeting arrangements can account for the need to entrench more positive behaviours – particularly where these meetings involve a number of people together in a single physical location, where different dynamics may arise.

15.40 Relevant authorities will also need to have regard to the Model Code of Conduct (and to local codes of conduct, and standards arrangements) in how they develop their meeting arrangements.

The [Local Authorities \(Model Code of Conduct\) \(Wales\) Order 2008](#)

Use of English and Welsh Languages

15.41 Adherence to legal requirements relating to the use of the English and Welsh languages is a legal requirement. It is a fundamental element of the obligations attached to public bodies in Wales – separate legislation and guidance exists. In order to maximise accessibility relevant authorities may wish to consider subtitling in English and/or Welsh, and translation into other languages depending on need – for example, BSL.

15.42 Arrangements must ensure that English and Welsh are treated equally and support and promote the Welsh Language. The use of the Welsh language can be provided for in multi-location meetings – and normalised in a wide range of settings – in ways which might historically have proven challenging for physical meetings. Relevant authorities will also need to take account of their individual Welsh language standards.

[\(Welsh Language \(Wales\) Measure 2011\)](#)

Local Needs

15.43 Local authorities are democratic institutions. Decisions about local democracy – and the best approaches to promote and encourage engagement in local democratic systems – are best made at a local level. Relevant authorities' approaches to meeting arrangements should therefore be aligned with the way that they approach public participation – in particular, their plans for ensuring that they meet their public participation obligations which came into force in May

2022. An understanding of the specific needs of a wide range of local people is a part of this.

[\(Local Government and Elections \(Wales\) Act 2021, on public participation\)](#).

Future generations

15.44 In agreeing arrangements for meetings, relevant authorities must give regard to the well-being goals and ways of working set out in the Well-being of Future Generations (Wales) Act 2015. Many of the improvements which could be brought about by multi-location meetings – innovation around the transaction or meetings, reductions in the use of paper, enhanced public accessibility and so on – will serve the objective of making local democratic systems more sustainable.

15.45 However, relevant authorities will still need to ensure that the 2015 Act's principles are actively embedded in arrangements for meetings. Digitisation has the potential to significantly reduce the carbon footprint of local democratic systems, but only where cloud services and server storage is procured from carbon neutral providers – digital services are not carbon neutral by default. The reduction in travel will also add to the reduction in the carbon footprint.

Core requirements

15.46 This section sets out the things that relevant authorities **must** do in relation to multi-location meetings.

15.47 These provisions are set out to help ensure legal compliance. In all respects it will be for a relevant authority's Monitoring Officer to determine exactly how the authority will ensure this compliance. The expectation is that relevant authorities will want to use these requirements as a starting point from which to innovate and experiment with different arrangements for facilitating multi-location meetings, in the context of the wider needs of local democracy.

15.48 The 2021 Act requires that "arrangements" be made by principal councils for both the broadcasting of meetings, and the convening of meetings involving participants in multiple locations. These "meeting arrangements" will need to be written in such a way that integrates a relevant authority's approach to multi-location arrangements to its wider compliance with the legislative framework for formal meetings, including the new requirements for the audio and (in certain circumstances) video broadcasting of such meetings.

15.49 Although, there is a requirement for principal councils to broadcast certain meetings which was commenced in May 2022, many principal councils were

already broadcasting a number of their meetings, we therefore suggest these arrangements form an integrated part of an authority's Constitution. For principal councils such arrangements might be subject to oversight from the Democratic Services Committee.

- 15.50 The reason for integrating these arrangements into a constitutional document is that they set out how the authority is run, and will need to be integrated in some form into the rules of procedure of committees and other formal bodies.
- 15.51 Relevant authorities will need to develop these arrangements for themselves – there is no single set of rules setting out what arrangements should look like in detail. This guidance sets out a framework within which relevant authorities can explore their options and decide what is right for them and the communities they serve.

Practical considerations

- 15.52 This section sets out things to which relevant authorities must give regard, but which do not form part of the legislative framework.
- 15.53 Welsh Government considers these considerations to be matters of good practice. Some specific solutions are suggested but relevant authorities should consider local circumstances in deciding what approaches are ultimately adopted, in a process which should be led by those involved in participating in meetings, and supporting those meetings' operation – always informed by the needs and expectations of the public. While meeting arrangements should fit local preferences and circumstances, there should be a clear process for considering the issues highlighted below. For local authorities the Democratic Services Committee is expected to lead this process.
- 15.54 Sitting alongside the core requirements of the “meeting arrangements” – the legally mandated arrangements that relevant authorities must make for multi-location meetings – can be a wider multi-location meetings policy, which will also reflect the general principles set out from paragraph 15.32 while setting out more detailed procedures to ensure that multi-location meetings work efficiently, effectively and accountably. Keeping such a policy distinct from the legal “meeting arrangements” is important because it will make it clear to those involved where processes are put in place because of legal requirements, and where local decisions have been made about the operation of multi-location meetings.
- 15.55 Relevant authorities can take whatever process they choose in designing and adopting this policy, but those responsible for leadership on governance matters, and participants in multi-location meetings, will need to be satisfied

that these arrangements take into account the general principles we set out from paragraph 15.32. In particular, the meetings policy will be the document to refer to the role of the public in the operation of formal meetings, and to ensure their needs and expectations are understood and treated as paramount.

15.56 Because of the public-facing nature of this work relevant authorities may consider it necessary to adopt a provisional policy, and for those within that authority and outside it (in particular, the public) to develop and refine it over time. Reviewing the policy (and of the meeting arrangements themselves) as they operate will offer the best opportunity to reflect and refine.

15.57 Where a relevant authority determines that they wish to draft such a policy it should be led by a committee of the authority with a responsibility for governance, supported by a relevant officer. This might be that authority's Monitoring Officer. Where the authority is a principal council, the decision would be made by the cabinet and the officer taking leadership might properly be the Head of Democratic Services.

15.58 The exact contents of a policy will be agreed at local level. The experience of relevant authorities in the past however suggests that it should include:

- How to decide which meetings will have physical provision made for them, and which will be conducted wholly through remote means (from paragraph 15.60);
- Which online meeting platform or platforms which will be used (from paragraph 15.71);
- How formal notices will be issued, and the publication of agendas and minutes (from paragraph 15.76);
- How exempt matters will be dealt with (from paragraph 15.82);
- Meeting attendance, including deciding where a member is "present" (from paragraph 15.89);
- How participants who sit as part of committees or bodies subject to the 2021 Act will be able to access and participate in the meeting (including support and advice on technology, behavioural and conduct issues) (from paragraph 15.100);
- How observers (including the public and the press) will be able to access the meeting, and how they may actively participate in the meeting where needed (from paragraph 15.118);
- Facilitating broadcast by members of the public (from paragraph 15.119). Broadcast by the authority itself may also be required, and is covered by separate guidance;
- Chairing of meetings (from paragraph 15.138);
- The taking of votes (from paragraph 15.145);

- Training and peer support to ensure that participants are able to take part (from paragraph 15.151).

15.59 It is important to ensure that participants and observers have access to easy to understand information which explains how they can and should engage in multi-location meetings – this documentation can be part of the multi-location meetings policy but should also be available separately, and may constitute a simple explanation of some of those arrangements for the casual reader. It is particularly important the relevant authorities highlight and publicise their multi-location meeting arrangements and policy to make it as easy as possible for the public to engage.

Taking different approaches for different meetings

15.60 *Some relevant authorities may decide that all meetings will be conducted through remote means by default. Relevant authorities may wish to adopt different approaches for different bodies, and for different circumstances.*

In general

15.61 A multi-location meetings policy may make provision that different kinds of meeting be convened, by default, with all participants joining through remote means, or with some arrangement being made for people to attend and participate and observe in person. Policies should recognise that the 2021 Act requires participants to be able to join meetings through remote means for all formal meetings. It will not be permitted for relevant authorities to decide that all meetings will be held entirely physically.

15.62 The needs of local democracy, and the needs of the public in engaging with multi-location meetings, are a paramount consideration in deciding where and when meetings will be convened partially or wholly by remote means. The overriding intention of the 2021 Act on this issue is to help the public to be able to access and engage with local democratic systems. The convenience of participants and the efficient operation of relevant authorities themselves is important but the needs of the public will come first when these decisions are being made.

15.63 Relevant authorities may want to make particular plans for multi-location meetings where a number of participants are in the same physical space, while others join through remote means. Similarly, provisions might need to be made for allowing people to observe in person, or through remote means, or both.

15.64 There is no requirement for each meeting to be held in the same way every time it meets. For example, a council could decide to hold some full council meetings entirely remotely and others as multi-location meetings with a number of

councillors (or most councillors) present in a chamber. In determining which meetings may be held wholly through remote meetings and for which physical arrangements might be made available, relevant authorities might consider:

- The general circumstances of participants. Participants' needs and preferences may change over time, and policies should have the flexibility to allow for arrangements to change where this happens. For example, councillors in a local authority may decide that full Council should take place predominantly physically or predominantly through remote means – but in doing so they might ensure that the policy remains flexible enough to change this approach if participants' views change;
- The subject matter, and number of participants attending, certain meetings. This may relate to the general matters usually under discussion at a given committee (or other body) rather than the specific agenda for an individual meeting;
- The need to ensure that meetings are fully accessible to both active participants and to observers. Accessibility may under certain circumstances require physical provision;
- Connected to this, consideration of whether physical provision for a public gallery, or for the attendance of certain participants, is necessary if the majority of a meeting's participants are joining through remote means. This is discussed in more detail from paragraph 15.118.

15.65 The overriding requirement is to consider the needs of the public, both as observers and participants.

15.66 Relevant authorities may have concerns about equality of access and participation in multi-location meetings where some participants are in the same physical space. On considering the risks and other circumstances they may determine that, by default, meetings can take place either wholly by remote means, or that, where a number of participants express a preference for a meeting being held physically, that support should be given to all participants to attend physically. However it is worth reiterating that relevant authorities will not be able to require that all participants attend physically under these circumstances.

15.67 Where a relevant authority decides that physical arrangements will be made for certain meetings or classes of meetings, a multi-location meetings policy will need to determine what those arrangements will be. They may include:

- The availability of a meeting room which is publicly accessible, along with the provision of a physical public gallery (and press gallery);
- Making arrangements for participants who attend physically to be seen by those joining from other locations (a requirement under the Act), which will

require planning where multiple participants wish to attend physically and where camera facilities in a room may be less than ideal for this purpose;

- The availability of professional support in the room, or through remote means. This may be IT support or governance/clerking support;
- The streaming of broadcast footage from the meeting to those present through the use of one or more display screens (and the use of audio equipment).

15.68 Even where all participants join a meeting from another location a relevant authority may still wish to provide a physical space for members of the public to watch proceedings and to participate. This is covered from paragraph 15.118 .

Accessibility and involvement

15.69 Some participants may wish to join meetings from another location regularly – because they have working or caring responsibilities which make attending meetings in person difficult. Some participants may have a preference for physical meetings. Participants may have personal protected characteristics, or circumstances, which limit their ability to participate online, and/or which requires that certain accommodations be made for physical presence. The same needs are likely to apply to observers. Particular care will be needed to be taken to take account of the needs of one-off participants, especially if they are members of the public rather than employed officers of the authority or regular meeting participants who are (for example) elected councillors.

15.70 Multi-location meetings where some or most participants are present in a single location can pose challenges around accessibility and involvement. Those present in a committee room will need to be able to participate on the same footing as those participating in other locations. This may be difficult where certain participants may be able to hear, but not see, other participants. For these kinds of meetings, there is a risk that those not physically present in a room play less of a part in discussion. These people may end up being “forgotten” by those who are physically present. For a Chair, following the visual cues of those in the same room, and those joining from other locations, is likely to be a challenge. This will need to be thought about, particularly where the Chair themselves is joining a meeting from another location.

Multi-location meeting platforms

15.71 ***Multi-location meetings require additional technology and this has implications for an authority's capacity to procure and use this technology effectively. Finding and using the right platform is an important part of making meetings accessible and transparent, and the***

business of relevant authorities more accountable to the public.

15.72 This guidance does not recommend any specific product. Relevant authorities have made, and will make, their own arrangements in line with their IT and procurement policies. It may be, for example, that relevant authorities wish to explore joint procurement opportunities. It will be useful for relevant authorities procuring to understand how the market for these products evolved, and the need to keep in touch with other relevant authorities to exchange experiences.

15.73 Specifically, any product, or combination of products, should provide:

- The ability for participants to be able to see and hear each other, and the facility for outbound and inbound video and audio to be switched on and off either by a participant themselves or potentially also for a meeting organiser;
- The ability for participants to be named / labelled so that others can easily identify them;
- The ability for participants and observers to be able to join via mobile, or tablet, without losing significant functionality;
- The ability to provide for simultaneous translation. Relevant authorities should ensure that they use a meeting platform which provides for simultaneous translation and that members are comfortable with its use. Principal councils will need to decide whether to broadcast a feed in English, in Welsh, or in both;
- The ability to both record and broadcast the meeting and for participants and observers to know when recording and broadcasting is taking place;
- The ability to caption or subtitle, either live (which may be partially or fully automated) or through editing after the meeting has taken place;
- A “chat” facility (the use of which we discuss from paragraph 15.100 below), visible only to meeting participants, and which can be turned off by the meeting organiser if necessary;
- Sufficient security measures to ensure that the meeting cannot be accessed by unauthorised persons, and to ensure that unauthorised persons can be ejected from the meeting where necessary;
- A user interface which is intuitive and easily understood.

15.74 **Other factors will include:**

- Where and how meetings will be broadcast – for example, on the council’s own website or on Facebook Live or YouTube, or in some other way (covered in separate guidance). It is not recommended that principal councils effect the broadcast requirement by granting public access to online meeting platforms themselves. Broadcast arrangements are dealt with in separate guidance, but again, the needs of the public as observers will be especially important;

- Arrangements where joint meetings are held between relevant authorities which, by default, use different platforms;
- Arrangements for when difficulties with technology emerge, or other circumstances might make it impossible to broadcast a meeting (set out from paragraph 15.107);
- Provision for electronic voting.

15.75 Relevant authorities may wish to consult participants and observers to ensure that IT arrangements work for them, and that the technology means that multi-location meetings are as accessible as they could be.

Notices, agendas, reports and providing for exempt matters

15.76 Alongside multi-location meetings, relevant authorities will need to continue to issue notice of the convening of meetings, and make arrangements for the publication of agendas and reports, online. There are both issues and opportunities associated with this.

- Transparency around the work programmes of bodies covered by these rules. Agendas and papers are usually expected to be published three clear working days in advance of meetings (and the detail of notice requirements are covered in more detail in the section below), but relevant authorities may wish to consider how the interests of transparency and accessibility can be served by earlier notification of proposed agenda items – through more accessible and visible work programmes and through attention being given to the visibility and accuracy of a schedule of forthcoming decisions (which in the case of a principal council executive will be the Forward Plan);
- Arrangements to ensure that those viewing a broadcast can be easily signposted to the agenda, reports and (in the case of recorded meetings) the minutes, and to any relevant background documentation;

15.77 Full detail of notice requirements for meetings (and other formal requirements for the publication of agendas, reports and minutes) can now be found:

- For local authority executives, at the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 as amended by the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) (Amendment) Regulations 2021;.
- For other meetings of relevant authorities, amendments made to Part 5A and schedule 12 of the Local Government Act 1972.

15.78 The principal object of these amendments to the existing legal framework is to remove the requirement for the production of hard copy paperwork relating to formal meetings (except for a couple of specific purposes), and to require relevant authorities to make formal information available electronically, on their website.

15.79 The new arrangements can be summarised as follows:

Notice of meetings

- Public notice of all meetings must be published on the relevant authority's website at least three clear days before the meeting (at the time it is convened, if it is convened at shorter notice);
- Notice must include details of how to access the meeting if it is being held by remote means only, and the place in which the meeting is held if it is partly or wholly taking place physically;
- Notice requirements also apply where a formal meeting is taking place which is not open to the public. Here, notification is required of the time of the meeting, the fact that it is being held by remote means, and that it is not open to the public.

15.80 Usually notice of meetings would be provided on an authority's website; relevant authorities may also make arrangements for notifications to be sent to members, and interested people via subscription, automatically on the uploading of agenda papers. Authorities may also make use of social media to highlight the publication of notice (although notification on social media will not constitute notice for the purposes of the Regulations).

Agendas and reports

- The agenda and reports for public meetings (including late reports) must be published on the website of the authority;
- Paper agendas do need to be made available to members of the public attending meetings held partly physically;
- For principal councils only; recording of decisions by the executive collectively or individually, as well as the recording of business carried out in other meetings of principal councils. This requires that the names of who attended the meeting be recorded alongside apologies, declarations of interest and decisions made. This must be published within 7 working days of the meeting taking place. In the interests of clarity this does not require that a member's or members' signatures are required to be recorded (as has been the case previously). The information referred to above must be published on relevant authorities' websites;

- Background papers relating to meetings of relevant authorities must now be proactively published on a website, not merely be available (although, exceptionally, if it is impractical to do this, they must be open for public inspection). This is an important change; it involves the automatic placement in the public domain of specified documents which may previously have only been, in practice, published on application. Councils will therefore need to think carefully about how background papers are identified, produced and prepared for publication;
- The transaction of paperless business generally. Multi-location meetings are likely to be paperless. Regulations now specify that formal information relating to meetings be published on an authority's website, with the requirement of hard copy material being on public deposit having been removed.

15.81 There may be people who cannot access the information published electronically; principal councils must put in place facilities for members of the public who would not otherwise be able to do so, to access the documents.

Exempt matters

15.82 Bodies covered by the legislation will need to be able to consider exempt matters in private. Exempt matters are things which a relevant authority is allowed not to publish because they are confidential. This may be for a range of reasons, which are set out in schedule 12A of the Local Government Act 1972. Agendas with exempt items on the agenda are often divided into a Part I – held in public – and a Part II – held in private.

15.83 A separate call on the online platform, separate from the call used for broadcast, should be set up for those participating in a meeting by remote means. This reduces the risk that exempt material may be inadvertently made public through being broadcast. The original, public, call can be left open and can continue to broadcast (with an appropriate slide to notify viewers that the committee or body is in private session), so the Chair and other participants can return to formally close the meeting, or further business. This will allow relevant authorities to make clear to observers what is happening, and why.

15.84 Information provided to participants covering exempt matters should be dealt with in the same way as it would be for physical meetings. Bearing in mind that information will now be managed electronically by default under the notice and agenda arrangements highlighted above, relevant authorities may want to ensure that more prominent warnings be placed on exempt material, or whether a different colour can be applied to the background of such material to reflect the fact that, in hard copy, exempt material is usually printed on different colour paper for this reason. In doing so, relevant authorities will need to think about the accessibility needs of participants (around colour

contrasts, for example).

Innovation in how agendas and paperwork are produced and presented

- 15.85 The removal of the general requirement to provide information in hard copy by default invites the possibility for more innovation and creativity. This is not innovation for its own sake, but innovation designed to better engage the public in the work of relevant authorities. Local people will be able to follow and track the way that discussions are had, and decisions made, entirely online. The removal of hard copy notices will allow relevant authorities to experiment with the use of technology to make navigating the decision-making process, in particular, easier.
- 15.86 Relevant authorities may wish to consider how information might be made more accessible through creative use of committee content management systems to present information differently – for example, by moving away from the production of “agenda report packs” as a single PDF and towards the use of more accessible files, and file formats, which help both councillors, other meeting participants and members of the public to engage in formal business. This may include thinking about the way that minutes are drafted and presented, providing links to the substantive reports discussed, and also with the relevant section of the recording or broadcast of the meeting.

Hard copy archiving

- 15.87 Relevant authorities should however consider the needs of archiving. It is common practice that councils (and other relevant authorities) retain and bind, or otherwise store for historical purposes, hard copies of the records of formal proceedings of the authority. There is an obligation that formal information be retained for a period of six years although it is considered good practice to do so in perpetuity.
- 15.88 Archiving is likely to be possible and necessary for electronic documentation – agendas, reports, minutes, background papers and other information important for researchers, historians or others to understand how decisions have come to be made. Relevant authorities will need to think about how they build systems to make sure that material produced predominantly, or entirely, electronically will be archived.

Meeting attendance

- 15.89 ***Multi-location meetings provide additional challenges in terms of meeting attendance. It is important for the integrity of voting procedures and***

attendance records that expectations and procedures are clear.

15.90 Meeting arrangements and/or the meetings policy should make clear when a participant is considered to be “present”. There are a variety of circumstances in which this might become an issue – for example, in the taking of votes. Meeting arrangements may not engage with the detail of these issues (and others) because not all circumstances can be anticipated in advance. Local determination is important here.

15.91 Instead, the Monitoring Officer and/or governance officer in attendance at a meeting should be able to use agreed principles to provide a Chair with consistent advice over whether a participant should or should not be regarded as “present”.

15.92 This is particularly important for the taking of votes but is also relevant for participation in meetings more generally. It is likely also to have salience if the need to determine if a member has been present at a meeting is relevant for the purpose of determining whether they have attended a council meeting in the past six months (s85, Local Government Act 1972).

15.93 Particular circumstances might include:

- Connection problems. The connection may drop, making it difficult for some participants to follow debate and discussion. It may also disrupt a broadcast feed. A loss of connection may not be immediately apparent to others present. Certain committees or bodies may resolve matters through a general expression of consent rather than a roll call vote, meaning that some participants may lose the opportunity to express disagreement under these circumstances;
- Participants in meetings joining by remote means by video may seek to disable video to stabilise their connection or because they have been temporarily interrupted by events at their location - it may be unclear whether some participants are present or not. Relevant authorities will need to think about whether the requirement to be both seen and heard, for most meetings, allows for brief, temporary interruption like this;
- Where a participant is in the “waiting room” on an online platform. Here, participants will probably not be considered “present” as they cannot be seen and heard by others, cannot see and hear others (other than through a broadcast stream) and can play no active part in the meeting. The same may apply to participants who are only watching the broadcast feed as an observer.

15.94 This list is provided as an illustration; individual authorities will need to make the decisions on these points that are right for them, and which they are

confident both meet the needs of the law and the needs and expectations of local people in how local democracy is transacted.

15.95 Relevant authorities may decide that an officer could check to ensure ongoing presence at a meeting by requiring members to confirm their presence in the meeting chat at the beginning of each substantive item, as we suggested from paragraph 15.100. This could also provide a way to check presence in advance of a vote, as we suggest from paragraph 15.145.

The withdrawal of members with a prejudicial interest

15.96 Where a participant has declared a prejudicial interest in an item they will be required to leave the meeting for the duration of the relevant item. The nature of an interest and whether or not it is prejudicial will be for an authority and its Monitoring Officer to decide.

15.97 For a physical meeting it is usual practice for a participant declaring such an interest to leave the room entirely while discussion is underway, as the mere act of ongoing presence of that individual could be seen as influencing the authority's action.

15.98 Where a participant is joining by remote means, and has declared a prejudicial interest, they should leave or be removed for the duration of consideration of that item. Other participants should however be aware that the participant will be able to observe the broadcast of the meeting while outside. Relevant authorities may seek to include in their policies and meeting arrangements a requirement that participants with prejudicial interests undertake not to observe a broadcast for the reasons set out above, although we note that there is no definitive way to police this requirement and it may be seen as overly restrictive.

15.99 Once the matter has been concluded the clerk or support officer to the committee should immediately notify the relevant participant so that they can re-join the meeting, and the meeting should not continue until they have re-joined (otherwise they should be marked as not present for any further items).

Support during meetings

15.100 ***Support and advice will usually need to be provided to the participants of multi-location meetings, usually relating to matters of procedure. Participants (especially the Chair of the meeting) will need to find an appropriate way to seek and obtain this advice to ensure the smooth running of the meeting.***

15.101 Online platforms used by relevant authorities to convene multi-location meetings will usually have a chat function. The chat function will provide a useful way for advice to be shared and the business of the meeting to be managed, but its use can be open to misunderstanding.

15.102 Meeting policies should explain how this function will be used and the status in terms of meeting records. Some relevant authorities may think it sensible to ban use of the chat function outright, either in all meetings or in some, specified, meetings.

Pros of chat functions

- Allows advice to be given by governance officers without disrupting the meeting;
- Allows the Chair to “cue up” and acknowledge requests by committee members to contribute without disrupting the flow of questioning;
- Allows members to generally express assent or agreement with another participant, or with a proposal to resolve a given issue, in a manner which gives the Chair confidence to proceed (although the fact that consent has been given in this way would need to be verbally acknowledged by the Chair in the interests of transparency);
- Allows the Chair or clerk to check whether a particular member is still “present”, as we outline from paragraph 15.145.

Cons of chat functions

- Can be seen as undermining the transparency of the meeting;
- Can risk participants becoming distracted;
- Risk that participants use the chat for personal communication, and that this communication becomes inadvertently visible to other participants and to the public;
- Risk that chat will involve conversation about the matters under discussion without that discussion being visible to others, or recorded properly. Multi-location meetings policies may need to decide on the status of material recorded in the chat, and whether it can be used by the clerk to assist in the preparation of minutes;
- Risk that the chat becomes a place for general chit-chat.

15.103 The chat function will usually need to be limited to participants and the governance officer – but participants should treat conversations in chat as if they are happening in public.

15.104 Participants may decide to use WhatsApp or other messaging platforms to communicate over the course of the meeting. These platforms are not in the control of the authority; care should be taken in how they are used. For example, in the case of principal councils, if used within a political group, certain uses of WhatsApp could be seen as coming into conflict with the ban on the use of political management (whipping) at scrutiny committees.

Officer support arrangements

15.105 Different meetings will require different kinds of support from governance officers, and others. In the short term, as relevant authorities adapt to multi-location meetings (and, in particular, adapt to meetings where some may join through remote means and some physically) it may be necessary to think about the need for additional support. In due course, familiarity and confidence with new systems (and training and development for both officers and participants) will reduce this need.

15.106 Multi-location meeting policies will need to specify the kind, and level, of support necessary for specific meetings, and the circumstances where support can be provided by remote means and where officers might need to be physically present.

Supporting participants to be able to take an active part in the meeting

15.107 ***Meetings viewed live and available to view later maybe watched by a large audience and carefully scrutinised by the public including via social media. It is important that these meetings demonstrate good governance and high standards of conduct.***

15.108 Meeting policies will need to take account of the need for good conduct and high standards of behaviour. These policies will need to be drafted to closely align with other constitutional provisions on these matters, such as the Code of Conduct.

15.109 Principles of good conduct apply to meetings of any kind. However, there will be some issues that are especially relevant for multi-location meetings.

15.110 The issues below are especially important:

- People being clear about their roles and the roles that others are playing, either as participants or observers. We cover more on this in the section below;

- Recognising that meeting remotely (and where some, but not all, participants are remote attendees) requires a different approach to the agenda and to behaviour than a meeting in person;
- The need to think carefully about – and plan for – how everyone involved in the meeting will be able to actively contribute;
- Having a clear focus on the actual outcome of the meeting.

15.111 Participants are likely to understand that formal meetings can often be “performative” – people in a formal meeting behave differently from the way that they would otherwise behave, even if there is no audience. People’s physical presence in the same space has a significant impact on behaviour. Behaviour which might seem normal when everyone is in the council chamber – heckling, applause, the raising of points of order and so on – may feel odd and unusual when all or most people are joining through remote means. Participants in multi-location meetings during 2020 have talked about the “atmosphere” of multi-location meetings being different.

15.112 Behaviours in different types of meetings are likely to differ. Decision-making committees will look and feel different to audit or oversight committees, which will feel different from a principal council’s planning and licensing committees. Understanding these differing behaviours will help to inform how multi-location meeting policies are developed, and how they connect to policies around conduct and standards.

15.113 This is not just about conduct and behaviour in the narrow sense of the word, but about a shift in mindset about how much work it is possible to do in a multi-location meeting, and how multi-location meetings might help us to plan and carry out work differently.

15.114 Research carried out by the Centre for Governance and Scrutiny in 2020, and further evidence carried out in preparation for the production of this guidance, highlights the need for a shift in mindset associated with meetings where people join from multiple locations.

- It may be necessary to plan to do less. Meetings where some or all participants join through remote means can run as smoothly as in-person meetings, but not everyone is equally familiar with and comfortable with what remains a new way of working. Planning work programmes accordingly will be important;
- Invest in preparation. Later in this guidance we highlight how Chairs may need to carry out planning to understand better what other participants might want to get out of a meeting. This is probably a good habit for all meetings, but will be especially relevant for multi-location ones.

15.115 Behaviour, and expectations, around meetings and how business is carried out in those meetings are crucially important in making those meetings effective. Participants in multi-location meetings and others involved in managing and supporting these meetings will have become adept at organising such meetings during the pandemic. The drafting of meeting arrangements and policies provides an opportunity to reflect on how an understanding of behavioural factors needs to be woven into these systems as they reach maturity.

15.116 Positive behaviours are also about confidence, which will come from participants being properly supported to play an active and productive role in the meetings in which they are due to take part. Relevant authorities will already have a sense of the support needs of meeting participants, but establishing permanent arrangements for multi-location meetings provides an opportunity to revisit those existing assumptions.

15.117 Some of the relevant issues are listed below. These are reproduced, in an amended form, from WLGA guidance issued in early 2020.

- Ensuring that participants have access to appropriate equipment. As a default a desktop PC or laptop with access to a stable broadband connection will be the best way to engage. Participants will need a camera (if they don't have a laptop with an integrated camera) and ideally should use headphones to avoid background noise. Relevant authorities should provide participants who are members of the authority with appropriate equipment if they do not have access to it;
- Ensuring that participants can troubleshoot basic technical problems before or during a meeting – ensuring that they know how to mute and unmute themselves, to activate and disable video, to check their internet connection and so on. There may also be a need to ensure that ICT staff or others are on hand to deal with more serious technical issues;
- Ensuring that participants know how to use the raise, and lower, hand feature, as well as etiquette around muting and unmuting when speaking – the “raise hand” feature may not be usable for those joining on mobile or on a tablet and alternatives may therefore need to be available;
- Use of the chat function, WhatsApp or other messaging platforms. This is covered in more detail from paragraph 15.100;
- Ensuring that names displayed are consistent and accurate, with the role of the individual clearly identified: e.g. “Cllr John Williams – Committee Member” instead of “John’s iPhone” or “jw10881”;
- Ensuring that equipment being used has enough charge or is plugged into the mains;

- Ensuring that participants can view papers easily (we discussed the preparation and presentation of paperwork in more detail from paragraph 15.76); this may include (for example) advice being given to participants on the window snapping function on a Windows device: <https://support.microsoft.com/en-us/windows/snap-your-windows-885a9b1e-a983-a3b1-16cd-c531795e6241>
- The need for participants to check the environment around them before joining a meeting – checking lighting (recognising the daytime lighting conditions may change over the course of a meeting), background (ensuring that backgrounds are relatively neutral and do not involve the inadvertent display of personal information – the council may provide a corporate background or participants may choose to blur their background) and any visual distractions or noise, with mobiles and onscreen notifications set to silent;
- The need to check personal appearance – formal attire is probably not required but members should probably wear the kind of clothing they would wear if physically present at a meeting;
- Arrangements for preparation – joining the meeting fifteen minutes before it is due to start and checking audio and video arrangements;
- Participants assuming that, for a meeting that is planned to be broadcast, the meeting is being recorded and broadcast for the total time they are on the call.

Supporting observers (including the public) to access and participate in the meeting

15.118 ***While the potential for bigger audiences provides new opportunities for participation, multi-location meetings must ensure arrangements are made for the public to participate via questions and presentations, for example. The presentation of multi-location meetings should also take into account public presence as an audience in new ways.***

15.119 The broadcast of meetings will make them more accessible generally – but councils will still need to think of the needs of both observers and participants. This may include:

- The physical layout of rooms, which will be affected by the requirements around visibility of those joining through remote means;
- How participants joining through remote means will be displayed on a screen or screens in a physical location.

Ensuring that observers (including the public) feel welcome

15.120 Councils have found over the course of 2020 that the universal use of multi-location meetings has resulted in a significant increase in the number of people viewing meetings.

15.121 Generally speaking meetings of relevant authorities will be meetings taking place in public rather than “public meetings”. Members of the public will not have an automatic right to address committees or other bodies – although provision may be made in the constitution for them to do so, in which case observers can become participants.

15.122 There will be instances where those people who would otherwise be observers will need to join a meeting as an active participant. This may include:

- Those presenting petitions or deputations;
- Those asking public questions;
- People giving evidence (for example, to scrutiny committees);
- Applicants on regulatory matters (planning and licensing);
- Parties to quasi-judicial matters.

15.123 Where individuals are members of the public the Chair or an officer will need to make arrangements to ensure that they can join to participate – and that they are supported in doing so.

15.124 Meeting policies may need to make particular provision for this.

Making sure that members of the public feel supported when participating through remote means

15.125 At a physical meeting, an officer might have an opportunity to speak quietly to a person beforehand to allay any nerves, and to ensure that a person is satisfied with the experience after they have contributed. In a multi-location meeting these “soft” opportunities for conversation and reassurance may not naturally exist. Individuals may find themselves, joining from their own home, on a public call with fifty strangers, being expected to contribute coherently, and then removed from the call without ceremony when the item reaches its conclusion. Clearly, this is not ideal. Relevant authorities may wish to explore how members of the public joining meetings in this way can be best supported.

Formal meetings which are also public meetings

15.126 It is common for some types of authorities to convene formal meetings which are designed to actively involve the public in proceedings.

15.127 These meetings might legally be formal meetings but they may have a different character and atmosphere. Relevant authorities should not avoid holding these kinds of meetings because they think that managing them as multi-location meetings will be complex. This also goes for meetings held in places in the community other than an authority's normal premises, where the presence of technology for broadcast and display may not be immediately present.

15.128 Meeting arrangements may make particular reference to and provision for these kinds of meetings.

Providing for protest and dissent

15.129 Relevant authorities may also need to consider how opportunities for public protest and dissent might be provided for in multi-location meetings.

15.130 Protest can be inconvenient (and disruptive), but it also reflects a vital public right. Where relevant authorities propose to carry out business by way of multi-location meetings as the norm, and particularly where little to no business for certain bodies may be carried out in person, this feature of the local democratic landscape could be at risk; meeting arrangements should take account of this factor. It will not be appropriate for an authority to decide that it will convene a meeting entirely remotely (with no business being carried out in person) if the principal reason for doing so is because it will eliminate the risk of embarrassment to the authority of a visible, public protest in the vicinity of the meeting.

15.131 It is, however, proper for a council to decide that it will convene all meetings so that they can only be accessed through remote means, as long as the accessibility and equality implications of this decision are understood, and as long as the discretion of the authority to make exceptions to these arrangements in particular cases is not fettered.

15.132 We noted from paragraphs 15.6 the need to make physical arrangements for certain meetings, even those where most participants may be joining through remote means. This may also provide the opportunity for public protest, which could take place in a public gallery, and made visible to those participating through remote means.

15.133 This would allow for a protest to be streamed into a meeting otherwise taking place in multiple locations, and could ensure that people protesting in this way feel that their voice has been heard.

Supporting broadcast by members of the public

15.134 ***Members of the public or the press may wish to film for immediate or future broadcast some or all of a meeting.***

15.135 In the case of multi-location meetings where most or all participants are in the same location, this may involve the separate recording of a broadcast stream for editing and broadcast later.

15.136 For meetings where some or all participants attend physically – with physical arrangements made for observers - members of the public and members of the press may wish to use their own equipment for recording and broadcast.

15.137 Relevant authorities may wish to engage with the local press, and to invite views from the public, as to how their meeting arrangements and policies should take account of the requirement to provide access for this purpose. The way that this works is likely to be different from how councils may have supported this activity when meetings were “all-physical”. This may involve:

- Ensuring that the layout of a room is designed to support video recording (by providing a space from which people might film proceedings without visual obstruction, for example);
- Ensuring that amplification arrangements in a committee room allow proceedings to be adequately recorded by an external microphone, or providing a way for members of the public carrying out recording to take the broadcast audio feed, where relevant;
- Arrangements for shots of the room which include members of the public and others in the audience. Committee meetings occur in public and those attending do not have an automatic expectation of privacy or the right to object to recording, but there may be circumstances in which councils want to think about how they will ensure that those carrying out recording are focusing on the formal proceedings;
- Authorities will have to comply with UK data protection legislation and their own data protection policies in relation to the processing of any recording of meetings that are made. Data protection can be a complex area of law, and it is recommended that the authority consults its data protection officer to ensure compliance;
- Arrangements for video and audio recording of the recorder’s own narrative and of two-way interviews with participants within the committee room; members of the press in particular may want to film interviews, pieces to camera and establishing shots of the space in which the meeting takes place, and arrangements should be in place to support this before and after the meeting, and to ensure that those attending are aware that this may be happening.

This is not an exhaustive list.

Chairing meetings

15.138 ***Chairing a multi-location meeting is very different to chairing a face-to-face meeting. Chairs will need to be supported to carry out their role in specific ways. The job of the Chair will be a particular challenge where a meeting is being carried out in a physical space with only some participants joining through remote means.***

15.139 The following general principles for chairing meetings in this context are reproduced and amended, from WLGA guidance issued in spring 2020, and incorporate guidance produced by the Centre for Governance and Scrutiny for both English and Welsh councils at the same time.

15.140 Chairs have a particular responsibility to prepare for the meeting, probably in a more planned and directed way than might be necessary for a physical meeting. This may involve the Chair consulting with officers, and other committee members, to determine:

- What the meeting is about, and the possible purpose and outcomes for every item on that meeting's agenda;
- What information and paperwork will need to be made available in order for these outcomes to be delivered;
- Where councillors or other meeting participants will want to contribute – and where and how public participation might need to be facilitated;
- Where these people might need particular support in order to participate in the way that they want.

15.141 Chairs will also need to engage with all participants (which may include external witnesses and members of the public or others with a role to play) to ensure that their role and means of involvement are well understood. This is covered in more detail from paragraph 15.118.

15.142 Chairs should:

- Think about the accessibility of the meeting to the public, and whether there are any things they can do that will ensure that public observers are welcomed and that business is explained in a way that is understandable, including the operation of the multi-location meeting itself;
- Ensure that they are prepared for the meeting in a logistical sense by being aware of which members and other participants may be joining by remote means. If the Chair themselves is joining by remote means while

some other participants are present in a committee room particular steps will need to be taken to prepare, which are set out from paragraph 15.6;

- Ensure before the start of the meeting that everyone is able to access the meeting, and that everyone is able to both see and hear each other (where the law requires it for specific meetings) or hear each other (for other formal meetings);
- Provide a reminder of meeting arrangements and policies, particularly relating to conduct and behaviour, including some of the material set out from paragraph 15.107 above. This may (depending on the meeting) involve advice on voting arrangements;
- At the beginning of the meeting, introduce themselves, the committee, officers present and other participants to ensure that those watching or listening to a broadcast are aware who is who;
- To avoid people speaking over each other or long silences, ask each member in turn for their contribution to an item, based on an understanding of what members wish to contribute (as we explore further from paragraph 15.107);
- Check occasionally through the meeting that no one has been 'lost' due to technical issues, and provide support to councillors experiencing challenges – in this Chairs may need the support of support officers
- Pay more attention than usual to framing the meeting with reminders of the purpose of each agenda item and summarising decisions and actions for each item and again at the end of the meeting;
- Check at the end of each agenda item that all members are content that they have been able to contribute, and ensure that agreed voting arrangements are followed where relevant.

15.143 The “balance” between individuals in a room, and those joining by remote means, will have a significant effect on how business will be transacted. This links back to the points we made in the earlier section on conduct and behaviour. Chairs and their support officers are likely to need to know ahead of time which members to attend physically and which may join by remote means. For meetings with a mix of arrangements – particularly if the Chair themselves will be joining by remote means – planning is likely to be necessary. This may include:

- Understanding the motivations and objectives of individual participants on specific agendas items, and having a sense of what they may want to say and ask;
- Identifying how a support officer or other member may bring their attention to a member wishing to make a comment through remote means or in the committee room (it will otherwise be challenging for a Chair to maintain awareness of those in the room as well as those joining remotely);

- Planning debate to be themed or otherwise structured rather than inviting comments generally, to ensure that all participants have an opportunity to contribute;
- Briefing witnesses on expectations;
- Ensuring that reports reflect the above sets of circumstances.

15.144 This kind of planning will benefit any meeting, not just those with a mix of in-person and remote attendance.

The taking of votes

15.145 ***Multi-location meetings provide additional challenges in terms of capturing votes. Chosen options will depend on the chosen platform and local preferences.***

15.146 Participants in a formal meeting may decide to do something through general consent, or through a recorded vote. Immediately before the vote the Chair will need to determine that all members of the body continue to be “present”, as we set out from paragraph 15.89.

15.147 There are a number of different options when it comes to recording votes:

- A verbal roll call of those participants entitled to vote (“voters”). Particularly for full Councils, this process has been found to be the most rigorous but can be very time consuming, especially if amendments to motions are put to the vote;
- Using the ‘raise hand’ function, although this is subject to misinterpretation and human error;
- Responses via the chat;
- Dedicated voting software incorporated into the platform.

15.148 The authority will want to ensure that:

- All voters have the same opportunity to vote;
- All voters vote through the same process. In some council chambers, facilities for the taking and recording of votes may be present, but those joining through remote means may not be able to participate in the use of this in-situ technology. Relevant authorities with this technology will need to think carefully about whether, and how, such facilities might extend into the remote space, or how systems used for remote voting might extend into the physical space;

- A suitable record of the vote is captured by the appropriate officer and is confirmed in a way that is understandable to those observing the meeting.

Bodies reaching resolutions without a vote

15.149 It is common that committees or other bodies may resolve to take certain action without a vote being recorded. In person, the Chair is able to get a sense of whether consensus exists by looking around the room. Those present have the opportunity to object and to press for a vote, depending on the authority's standing orders.

15.150 Where participants are joining through remote means (and particularly where some members join through remote means and some are present physically) the Chair will need to take special care to ensure that consent is present to move on without a vote.

Training, peer support and good practice sharing

15.151 ***The arrangements for multi-location meetings will continue to evolve. This makes it particularly important to ensure that councillors and officers have access to good quality training, peer support and good practice sharing.***

15.152 Those participating in multi-location meetings and those expecting to participate should be offered initial, and top-up, training, development and support to ensure an understanding of these issues. This is not the same as training to support the technical use of ICT equipment.

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EXTRACT OF THE STATUTORY GUIDANCE SHOWING CHANGES RELATING TO THE DEMOCRATIC SERVICES COMMITTEE

1. This statutory guidance for Democratic Services Committees was made under Sections 8 (1A) and 16 of the Local Government (Wales) Measure 2011 (the Measure). This guidance replaces previous guidance issued in 2012 and provides assistance to principal councils in the effective running of their Democratic Services Committees.
2. The guidance is summarised at below with the key changes identified in bold.

Introduction:

- The purpose of the committee is to ensure those councillors outside the executive leadership have the support and resources to fulfil their duties and play a full role in the operation of the local authority.
- **This is critical to good governance and enabling the council to demonstrate it is effectively supporting and resourcing scrutiny as part of its duties relating to keeping performance under review and consulting local people on performance. It is also critical to enable both scrutiny and elected members in their representational role to engage with the public thus contributing to meeting the duties in relation to encouraging local people to participate in decision making and participation strategies.**

Head of Democratic Services

- **Section 8(1A) enables the Welsh Ministers to issue statutory guidance to councils about the exercise of their function in relation to the provision of staff, accommodation and other resources which are, in the council's opinion, sufficient to support the HDS in discharging their functions.**
- The person designated as HDS must be designated by the Democratic Services Committee and must not be the Council's Chief Executive or chief finance officer. **Section 161 of the 2021 Act removed the prohibition on a council designating the same officer as Monitoring Officer and Head of Democratic Services (HDS).**
- The post of HDS is a politically restricted post within the meaning of the Local Government and Housing Act 1989 (section 21) **and the designated officer is defined as a chief officer for the purposes of the Local Authorities (Standing Orders) (Wales) Regulations 2006 as amended.**

Committee Membership

- The full council must appoint the members of the DSC, which must consist solely of councillors and cannot include more than one member of the executive **or assistant to the executive**. Any executive member must not be the council leader. The rules concerning allocation of seats to political groups apply to the DSC.

Reports

- Any report presented to the DSC by the HDS must be considered by the DSC within three months. Similarly, any report made by the DSC must be considered by the full council within three months (sections 18 and 19). **The procedures relating to the operation of the DSC should be included in the council's constitution.**

Designating the Head of Democratic Services

- Only the DSC or a sub-committee of the DSC can designate the HDS. How this operates in practice will vary and a DSC can decide itself how it wishes to do this. **However, the expectation is there would be discussion with the Chief Executive and relevant member(s) of the council executive, for example, to agree whether the post should be advertised externally, in which case the procedures for appointing staff described in the council's standing orders must be followed.**

Making Recommendations on the adequacy of the provision of staff, accommodation and other resources

- It is the function of the DSC to consider, and make recommendations as to, the adequacy of the provision of staff, accommodation and other resources for the exercise of the functions which fall to the HDS. The functions known in many local authorities as members' services, committee services and overview and scrutiny support would fall within the HDS responsibilities.

The HDS must present a report to the DSC describing what they feel to be a reasonable level of support for democratic services functions. The DSC, however, cannot make the final decision on these matters. It must submit its own report to the full council, arguing the case for necessary resource. It may well be that full council will modify or reject the DSC's report, in which case it could be advisable for the DSC to consider alternative proposals, which may involve a period of negotiation involving the HDS, Chief Finance Officer and the appropriate executive member.

In considering the DSC's recommendations the council should take into account the contribution the work of the HDS and the DSC make to the good governance and effective democratic accountability of the council, including the contribution this work makes to the council meeting its

duties relating to the duty to encourage local people to participate in decision making and its strategy on public participation and its contribution to keep its performance under review and consult with local people on performance. Ensuring all members are adequately supported and trained, that scrutiny is adequately resourced and committees have access to high quality analysis and information is a cost of effective democracy. It is noted councils will have competing pressures for resources, including for essential front line and statutory services, careful consideration of cumulative impacts of resourcing erosion or reductions in relation to democratic services should therefore be part of considerations on the DSC Committee's report.

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EXTRACT OF STATUTORY GUIDANCE SHOWING CHANGES RELATING TO THE TIMING OF COUNCIL AND COMMITTEE MEETINGS

1. This statutory Guidance was made under Section 6 of the Local Government (Wales) Measure 2011 (the Measure). By virtue of section 6 (2) of the Measure, local authorities must have regard to this guidance in respect of the times and intervals at which meetings of a local authority are held. The relevant meetings in the context of this guidance are meetings of the full council and any committee or sub-committee of the council.
2. The guidance is summarised below with the key changes identified in bold and include:

Purpose

- **The times at which the meetings of a council take place is of considerable significance as it can affect the extent to which individuals may contemplate standing for election. It is also important to provide for flexibility to support the changing needs of councillors when they are elected so that diversity can be maintained. This is an area for concern as it may impact on the diversity of membership of the council and thus impact on the council's ability to make decisions which are informed by and reflect the diversity of people living in the council area. Decision making informed by insight from people of all ages and backgrounds is likely to be more balanced and have more focus on sustainable and long term solutions which balance the needs of different people in keeping with the principles set out in the Well-being of Future Generations (Wales) Act 2015.**

For example, whilst the requirement to provide the facility for multi-location meetings for members who wish to join meetings remotely should overcome some concerns, many people will find attending, sometimes lengthy meetings, in the day is incompatible with their paid employment and certain times of day are challenging for people with caring responsibilities such as young children. Therefore, for the purposes of this guidance the timing of meetings also includes their frequency and length.

Reviewing existing arrangements

- It is neither practical nor desirable for the Welsh Government to prescribe the times, length and frequency of meetings of the full council, its committees and sub-committees as these are matters for each council to consider in individual circumstances. However, it is important that councils do not simply continue to hold their meetings at the same time, in the same way as they have always done, simply out of inertia. What may have been tradition or an arrangement which suited the previous cohort of councillors will not necessarily serve the interests of the current one. **It is recommended that meetings should be held of a length and at times, intervals and locations which are convenient to its members, having regard to equality and diversity**

issues. Also, regardless of whether meetings are fully on-line, multi-location or in person, agendas should provide for suitable breaks as this not only promotes a more effective meeting but is essential for members' and officers' health and well-being.

Therefore, all local authorities should review the times, frequency and length of meetings at least once in every term, preferably shortly after the new council is elected. **However, it would be prudent to consider an increase in this frequency to accommodate changes in circumstances that may accrue during that period.**

Councils should survey their members, at least once shortly after each election, to assess their preferences and should be committed to act on the conclusions. **The survey should be carried out at such time as it will be of most benefit to incoming members but no later than six months following ordinary elections.** It will then be for each authority to decide on the regularity of such surveys.

Issues to be taken into account in conducting a survey could include:

- Whether daytime or evening meetings are preferred;
- **Whether meetings are to be in person, fully online or multi-location;**
- **The preferred meeting length;**
- Whether particular times cause difficulties for councillors with particular characteristics, such as age, gender, religion, having caring responsibilities or being in employment.

When considering the results of the survey, councils will need to balance a range of responses and while committed to flexibility it may not be possible to accommodate every individuals' circumstances at all meetings. In these circumstances councils should also consider whether there may be advantages to rotating meeting times due to an impossibility of meeting all of their members needs all of the time. Any such arrangements will, of course, need to be clearly publicised for the benefit of interested members of the public.

EXTRACT OF STATUTORY GUIDANCE SHOWING CHANGES RELATING TO TRAINING, DEVELOPMENT AND SUPPORT FOR LOCAL AUTHORITY MEMBERS

1. The statutory guidance made under Section 7(4) of the Local Government (Wales) Measure 2011 a local authority must have regard to it. Section 38 of the Local Government Act 2000, as amended by section 45 of the Local Government and Elections (Wales) Act 2021. A local authority elected mayor or an executive leader must have regard to it; and Section 71 of the Government of Wales Act 2006.
2. The guidance is summarised below with the key changes identified in bold and includes:

Reasonable Training and Development Opportunities

- The Measure does not define what constitutes reasonable training and development opportunities for the purposes of section 7. The Welsh Government recommends that local authorities provide opportunities for what is essential for a local authority member to perform their role effectively.

The role of councillors is constantly evolving as legislation changes, for example, the Local Government and Elections (Wales) Act 2021 (the 2021 Act) brings in provision enabling executive members to job share executive posts and for there to be assistants to the executive, it amended the remit of Governance and Audit Committees and placed new duties on councils to encourage the public to participate in decision making. Likewise the social and environmental context in which councillors undertake their roles is constantly changing, new developments in social media, structural change in the way the public services are organised and the way councils interact with individuals and communities.

Therefore, it is essential that councils do not have a static view of what constitutes reasonable training and development needs for the purposes of section 7 of the Measure. The definition should be one which is regularly and frequently kept under review, most likely by the democratic services committee, to ensure it reflects legislative changes and the needs of members identified through their annual reviews. It is not sufficient to offer a package of training to a member immediately on their election and take a position that is sufficient to support them for the whole of their term.

Subjects for an on-going training programme of member development should, but not exclusively, include:

- **Induction - An introduction to the work of a local authority and its relationship with key bodies and the role of those bodies. Councils should plan a comprehensive induction programme for new councillors for delivery shortly after ordinary elections and also for new members elected at a by election;**
- **Training on the role and functions of the executive, the council and its officers;**
- **An overview of the council's constitution, including the operation of meetings, how to raise questions with the leader and executive, access to information and research support;**
- **Training for the chairs of committees including effective chairing skills:**
- **Training on specific roles members may undertake such as governors or representatives on health boards, fire and rescue authorities or national parks including a short brief on the purpose of the role and the member's responsibilities in keeping the council apprised of developments on the body they are representing the council on, the level of decision making that is delegated to them and how they may access assistance to support them in the role;**
- **Training on the role of the councillor as a local member, the delegation of functions to ward members and councillor calls for action;**
- **Training on public engagement, the council's strategy to encourage participation in local decision making and the role members can play in engaging communities;**
- **Specific training for councillors carrying out certain regulatory or quasi-judicial roles (training for councillors sitting on planning or licensing committees, for example);**
- **Specific training for councillors carrying out roles relating to the operations of the council. Governance and Audit, Democratic Services and Standards Committee members might be seen as in particular need;**
- **Training on the operation of overview and scrutiny and its relationship with the council executive;**
- **Training on rights and responsibilities under the Equality Act 2010 and more broadly the Social Model of Disability;**
- **Training on ICT, including how to participate in multi-location meetings and how the use of ICT can support the councillor's work;**
- **Training on the effective use of social media and the opportunities for better engagement between councillors and the communities they serve. Also the risk of councillors being victimised or harassed by opponents or campaigners overstepping the bounds of reasonable debate;**
- **Training on wellbeing and safety, including ways of keeping safe when undertaking their role;**

- Councillor induction should include training on the expected standards under their authority's Code of Conduct, emphasising the issues that arise as a result of application of the Code in the context of social media. It should also include the role of the Public Services Ombudsman for Wales (PSOW) in handling the complaints about breaches of the Code. Refresher of that training should also form a part of the ongoing programme of member development;
- Training on councillors' corporate parenting responsibilities;
- Regular briefings and updates on changes in the law, policy and other issues that impact on the role of the elected member such as the economy;
- Training on equality and diversity (EDI), and the council's responsibilities in respect of the wellbeing of future generations (WFG);
- Training on keeping safe when working alone, including when visiting others.

Training can also be carried out using a variety of formats – traditional classroom-style teaching is one option, as is more bespoke coaching and mentoring of individual members. Training and development opportunities might also be 'designed' in to council business to make learning opportunities more practically relevant, for example, a briefing on a technical issue as part of preparation for a scrutiny meeting. Training can be sourced and delivered in-house, in collaboration with other councils, or with the support of external individuals or organisations.

Training is a process, not an event. Councils could put together a member development strategy, which should reflect the need to keep councillors' skills refreshed and updated. This should incorporate the opportunity for organising briefings for councillors on emerging areas of law and policy. In producing such a strategy councils should consider any guidance including any charters or councillor development frameworks, developed by the WLGA and resources and guidance issued by the PSOW.

Annual Review

- Every local authority member, other than an executive leader, must be offered the opportunity to have their training and development needs reviewed on an annual basis. It is recommended that much of the training and development needs of local authority members is identified by such reviews.

The review must include an opportunity for a pre-planned interview between the member and a suitably qualified person (see below). The interview could

include a review of the training and development received by the member over the last year (or appropriate period if the local authority member has only been recently elected).

Good practise suggests councils should adopt role descriptions to ensure that all members have a full understanding of the expectations placed upon them. The descriptions can then be used as a guide to the skills required by the relevant member. The WLGA's competency framework sets out the expected skills and knowledge across a range of councillor roles ([WLGA Councillor Development \(Competency\) Framework](#)).

The annual review can then be an assessment of training and development needs to support the councillor in their role. A local authority may wish to consider making it clear to members that the review is not a performance review or an assessment of how well or how badly a member has conducted their duties. Ensuring members feel supported to undertake their role and can ask for training and development is integral to engendering a relationship of trust between backbench members, the executive and officers.

Councils could consider the drafting of a personal development plan for each councillor, arising from the statutory interview discussed above. Collated (and anonymised), these individual plans could then form the basis of a corporate member development strategy.

Suitably Qualified

- It is for the local authority to determine who could be considered a suitably qualified person to conduct interviews with local authority members to discuss their training and development needs as part of their annual review. This responsibility could be allocated to the DSC within the authority. In most cases, this may not be a question of naming individuals, but of describing a post or office holder, (see below). It would probably be neither suitable nor desirable for a single person to be made responsible for conducting all interviews.

It is also possible for group leaders to conduct interviews with their members or interviews to be conducted by the leader and the executive members. Both these practices are perfectly acceptable methods of complying with the requirements of the Measure.

On-going Training, Development and Support for Members

- The annual review should not be seen as the only point in the year when a discussion is held with a member about their training, development, support and well-being. It should also not be seen by the member as the only

opportunity available to them to proactively consider their own development and training needs or other forms of support. Increasingly, councillors are subjected to significant personal demands as a consequence of their work. Representing local people is a privilege but with it comes challenges which, at their most extreme, pose challenges to the mental and physical health of elected representatives.

Councils have a general responsibility to develop an awareness and an understanding of the constraints under which councillors operate, and to ensure that the support arrangements put in place for councillors reflect these needs. This could be done alongside work carried out by political parties, and national sector bodies.

Councils should take every opportunity to support the well-being and personal safety of councillors and their families and should note carefully legislation which requires councils to provide councillors with an office contact address, both electronic and postal, (section 43 of the 2021 Act) to ensure members' privacy and that of their families is preserved and protected. This is critical to member's well-being and encouraging and supporting a diversity of membership which reflects the diversity in the council's area.

The Welsh Government considers the protection of members addresses should be a priority for councils to support their members' well-being and promote diversity of membership. Therefore, the Local Authorities (Amendments Relating to Publication of Information) (Wales) Regulations 2022 amend sections 100G (4) of the Local Government Act 1972 and the Regulation 12 (1) of the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 to remove the requirement to make the register of members addresses and the register of members of the executive addresses available for public inspection.

It is, of course, important that the public are aware of the interests members may have or hold, in particular where those interests could influence the decisions they may be involved in making in their role or roles on the council. Therefore, Part 4, paragraph 15 of the Model Code of Conduct requires members to register personal interests in the authority's register of members interests falling within a category mentioned in paragraph 10(2)(a), by providing written notification to the members' authority's monitoring officer. This includes any land and property in the authority's area in which members have a beneficial interest (or a licence to occupy for more than 28 days).

The Welsh Government is therefore mindful of the need to protect members' safety and welfare, whilst ensuring all relevant interests are

captured and openness and transparency is maintained. However, it is the view of the Welsh Government that while members have an obligation to declare interests and not to participate in or influence council business, there is no requirement for members to include their full primary address (or any other address) when registering beneficial interests in land in the authority's area. It would be sufficient for members to state that they own a property in the authority's area (for example identifying the road or ward), in order to discharge their duties under paragraph 15 of the Code.

In addition, councils are reminded, under paragraph 16 of the Model Code, members, with their agreement, need not include information relating to any of the members' personal interests that is deemed sensitive information. In the code, "sensitive information" means the availability of the information for inspection by the public creates, or is likely to create, a serious risk that the member or a person who lives with the member may be subjected to violence or intimidation.

Councils and councillors have a role in supporting the presence of an open, accountable and respectful political culture in local areas. Despite this, councils will need to be aware of the risks that come with high profile public service. Councillors may at times be at physical risk of harm – particularly where they are associated with unpopular or controversial decisions or issues. Councils must seek to understand where and how such risks emerge, and to work closely with local police and other community safety partners to – where necessary – put in place protective arrangements for councillors, as proactively as possible.

Councils are required to put arrangements in place for supporting councillors on family absences but there may be times when a member is in need of targeted, unplanned support for example:

Where councillors are the subject of attacks on social media which go beyond acceptable political discourse. As far as possible, councillors should be supported to use social media to be more accessible to their constituents, but safe and reliable avenues need to be available to them to highlight such attacks, and for the council to support police action where appropriate. Legally there is a principle that councillors are expected to have "thicker skins", but this should not limit the extent of informal support and advice that councillors should be given under these circumstances. Political parties may provide advice to councillors on the effective and safe use of social media, but councils should be aware of the comparative vulnerability of councillors who might be members of smaller parties, or acting as independents, and who therefore might not benefit from this support;

Where councillors have chronic health conditions and/or are disabled, and councils should consider the support from the perspective of the social model of disability and remove barriers that may be disabling councillors with impairments;

Where their circumstances make them less able to engage with their roles and duties, for example caring responsibilities. These may require temporary or permanent accommodations therefore councils should consider councillors' wider support needs in respect of their personal commitments;

Where councillors have other commitments (including professional commitments), or operate under other restrictions, which may limit temporarily or permanently their ability to attend meetings or to otherwise engage in the life of the council.

Political groups may put in place arrangements for peer mentoring and support, for example, 'buddying' newly elected councillors with colleagues returning to office. This is an important element of training and support for many members. However, councillors unaffiliated to a political group (or part of a small, or geographically-specific, political group) may have particular needs, and councils can consider how these can be met in such a way that does not disadvantage other members.

A council culture where member well-being, learning and development is valued and nurtured amongst elected members could be considered an important element of a council being able to meet its duties in sections 89 and 90 of the 2021 Act to keep its performance under review and consult the public on performance. The active involvement of all members will be important to demonstrating these duties are being met and members must be receptive to training and development to support them in this role and the council must be receptive to the importance of doing so.

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3.0 Research Support and Services for Councillors Statutory Guidance

Status of this Guidance

- 3.1 This is statutory guidance issued under section 8(1A) of the Local Government (Wales) Measure 2011. This section enables the Welsh Ministers to issue guidance to which a local authority must have regard when exercising its functions in respect of providing the Head of Democratic Services (HDS) with the staff, accommodation and other resources which are, in its opinion, sufficient for the HDS to discharge their functions.

Purpose of this Guidance

- 3.2 **Councillors who are part of the executive or assistants to it have the benefit of working closely with officers of the council and have ready access to information and professional support. In order to undertake their roles effectively all elected members should be able to access a range of information and support. It is anticipated this will mainly focus on signposting individual members to existing sources of information or available training for example, brief prepared for scrutiny committee meetings or how to use research, statistical or legislative websites. It may also include targeted support for groups of members for example, leading a task and finish group investigation or support for individual members to research issues impacting on their communities where they are taking forward a councillor call for action under section 21A of the Local Government Act 2000, they have been delegated functions under section 56 of the 2011 Measure or with which they are involved through their role on the council, for example as chair of a committee.**
- 3.3 **The Democratic Services Committee should consider the provision of this kind of support to elected members as part of its considerations as to what constitutes sufficient resources for the HDS to discharge their functions. The case for resources for this support should form part of the DSC's budget considerations and discussions with the council. It is anticipated that the DSC will begin this process by identifying the baseline of support which is already available to members, then work with members to identify how this support and its parameters could be developed over time. The council should set out what steps it will take to improve research services to members where appropriate, with actions and timelines and communicate this to members.**

Support for Research

- 3.4 **It is for the DSC to advise on the nature and level of support for research by elected members that would be suitable for their council and the level of resources that the HDS might require to provide a sufficient set of services in this regard. This guidance sets out the sorts of services the DSC should consider when making its deliberations.**
- 3.5 **The proportionate use of research support by councillors is an important part of ensuring local democracy is functioning effectively. It is also important to ensure that members do not get frustrated by feeling they are not able to access**

or have available to them the support they need to make a difference to their local community or undertake a role they have been asked to do on behalf of the council effectively.

- 3.6** Councils should, through their Democratic Services Committee, put in place a protocol or other set of rules governing how councillors should expect to be able to access and use research services, to ensure that it is accessible to all councillors and that it is used equitably and proportionately. This should dovetail with the Democratic Services Committee's oversight of the overall resourcing available for democratic services in an authority.
- 3.7** The aim should be to provide support to assist backbench councillors and their staff to work with constituents, scrutinise legislation, develop policy, undertake any roles they may be asked to do on behalf of the council and undertake effective overview and scrutiny. Research may be related to a specific issue or issues that have a more general impact on the work of elected members across the council but would usually be connected to the delivery of the council's priorities or the scrutiny of their delivery. It should work in harmony with and not be expected to duplicate the support members might be provided by virtue of their membership of a political group, for example where political assistants have been appointed (section 9 of the Local Government and Housing Act 1989). Research provided to councillors through this part of the guidance should not be politically motivated or compromise officers' political neutrality.

Research Support and Services

3.8 Examples of research support and services include:

- Collating and distributing background papers to assist councillors to better understand forthcoming key decisions including analysis of complex data and information which may be provided as background papers for council meetings such as the budget discussion;
- Preparing and sharing regularly management information, including performance management shared as a part of formal assessments either by performance panels or Audit Wales;
- Preparing and sharing demographic information, and information on the use of services by local people;
- Responding to councillors' requests for research on specific topics to be undertaken either by council officers or an external source. Councils should set out clear processes and procedures to ensure councillors have access to this kind of research but also that they understand the requirement for its judicious use within the budget and other resourcing parameters set by the council;
- Signposting of members to useful sources of information they can access on the issue in which they have an interest;
- Circulation of calendars of events held by local and national organisations which may be of interest to members and help inform their knowledge of particular issues.

- 3.9** The service should not be solely reactive, the proactive provision of timely briefings on new policies, changes in the law or other matters that could impact

on the work of members should form part of the service. These briefings should be published and made available to the public as they will be of wider interest and can form part of the Council's strategy for meeting its duties under sections 39 to 41 of the Local Government and Elections (Wales) Act 2021 to encourage local people to participate in decision making and the publication of a participation strategy.

3.10 However, it is also important the DSC and HDS should consult and involve members to shape and regularly review the usefulness and effectiveness of the support provided.

Benefits

3.11 The benefits of pro-active research support for councillors are:

- It means that councillors are better able to engage with the business of the authority in an informed, proactive manner;
- Different officers do not have to deal with requests for information and duplication is reduced;
- There is less demand for the bringing of reports to committees (particularly scrutiny committees) for information, or to note, because there are systematic methods to share research with councillors through other means thus freeing up committee time and resources;
- The products and outcomes of research can be shared equitably, rather than through one-to-one councillor-officer conversations which privileges those more capable in "navigating" the authority and its officer structures.

Support in accessing information

3.12 Councils should adopt a proactive and permissive approach in how they engage with councillors' information needs. Councillors cannot always know what information they need to know, and as such may not be in a position to frame requests in a way that captures these needs succinctly. In particular, councils should recognise that it is not optimal for councillors to be expected to make FOI requests of their own authority, and should put in place arrangements to ensure that they can access this – and other – information in an expedited manner.

3.13 As such councils should:

- Frame councillor access to information procedure rules expansively – with a presumption in favour of the release of information to councillors unless a clear public policy reason exists not to;
- Proactively provide councillors with management information and other data to ensure that they are kept informed about the business of the authority. Councils could produce an information bulletin or digest for councillors on a regular basis – subject to resources as suggested above;
- Engage with members to better understand how and where their roles will require that they access certain information sources, and support them to gain that access. This may include negotiation with partners, and others who may hold information relevant to councillors' roles;

- **Ensure mechanisms are in place to protect personal data in line with appropriate legislation.**

3.14 As far as possible councils should specify publicly why a matter is exempt from publication or from discussion in a public forum – ideally providing more information than just the description given in Schedule 12A of the Local Government Act 1972.

3.15 Equally, councillors should be made aware that councils are frequently under legal obligations to others with regard to maintaining the confidentiality of certain information – in particular, commercial information and personal information – and such releases could open up the council to challenge.

6.0 Arrangements for Securing Effective Overview and Scrutiny

Status of this Guidance

6.1 This guidance is statutory guidance issued under section 38 of the Local Government Act 2000. A county or county borough council, elected mayor or an executive leader must have regard to it. It replaces previous guidance issued in 2012.

Purpose of this Guidance

6.2 The purpose of this guidance is to ensure councils have effective scrutiny arrangements and that procedures are in place to regularly review and seek to improve the effectiveness of those arrangements.

Policy Intent

6.3 Overview and scrutiny is an essential element of the political and general governance of the council. The council and executive culture should be open to and supportive of scrutiny and scrutiny should be provided with staff and resources to enable it to effectively undertake its functions, including holding the council executive to account.

6.4 It is recognised that difficult decisions will always have to be made in relation to council finances but the overriding principle should be that investment in scrutiny also contributes to better services for local people by providing another channel for people to be involved in the decisions that affect them and driving a culture of learning and improvement across the council as whole. This principle should be considered in light of sections 39 to 41 of the Local Government and Elections Act 2021 (the 2021 Act) in terms of the duty to encourage local people to participate on decision making and prepare a strategy on encouraging participation and the duty on a principal council to keep its performance under review, including the conduct of its self and panel assessments and consulting local people as part of that duty as required by sections 89 and 90 of the 2021 Act.

6.5 Effective scrutiny of collaborative arrangements with other councils such as joint committees and corporate joint committees and cross public service partnership arrangements - such as public service boards must be viewed as essential in ensuring that those arrangements are democratically accountable to local people.

Processes and Relationships

- 6.6 To achieve the policy intent scrutiny should not sit aside from other processes which form part of the council’s governance system. Arrangements for overview and scrutiny should be set out clearly in the council’s constitution and constitution guide required by section 37 of the Local Government Act 2000.**
- 6.7 Scrutiny should be an integral part of the council’s self-assessment under Part 6 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act) and should also be considered when the council arranges its panel assessment.**
- 6.8 The role scrutiny plays in involving local people to participate in decision making under section 39 of the 2021 Act should be set out in the strategy the council must prepare and consult upon in sections 40 and 41.**
- 6.9 Scrutiny chairs should have good working relationships with each other and regularly discuss approaches to scrutiny and learn from the work of other scrutiny committees within the council and in other councils. Scrutiny chairs should also establish good working relationships with the chair of the governance and audit committee and the standards committee, as well as the chair or presiding member of the council and the chairs of other committees. They should also foster good working relationships with internal and external auditors and with regulators.**
- 6.10 The effectiveness of scrutiny is in part dependent on mutual respect between those charged with scrutiny of the executive and the executive itself. Chairs should therefore develop constructive working relationships with the council’s executive in particular, the leader, cabinet members, chief executive and senior officials. The council’s executive are required to reciprocate this approach to constructive working under statutory guidance also issued under section 38 of the Local Government Act 2000.**

Effective Working

- 6.11 All scrutiny committees should adopt the most effective ways of working to ensure they are able to fulfil their role. This may include:**
- The consideration of matters as part of a multi-item committee agenda. Here, councils should ensure the number of items on a single agenda does not make it difficult for members to consider the matter in question in depth;**
 - The consideration of matters at a single-item committee agenda. This provides more flexibility around approach, involving panels of witnesses, and potentially some public participation. One off “challenge panels” can be a proportionate and effective way to dig into a topic;**

- **Task and finish groups.** “Task and finish” groups are small, informal groups of members, commissioned by a committee to investigate a topic and to report back. Task and finish groups are not subject to rules about the meeting of committees, because they are informal bodies;
- **The convening of a short task and finish group.** A group that meets only a couple of times over a few weeks will be able to tackle a narrow, defined subject. It is likely to be possible for a review to be commissioned, and then to report back to the next meeting of the same committee; and
- **The convening of a longer task and finish group.** The “traditional” task and finish group model is for a body that meets multiple times over several months, building a comprehensive evidence base.

6.12 The commissioning of task and finish groups, where it happens, should involve the agreement of a scope, setting out the terms of reference of the group and the timescale for carrying out its work.

6.13 Task and finish groups can meet either in private, or in public. When they have completed their work, task and finish groups should submit a report and recommendations to the committee that has commissioned them. This should also include some record of the proceedings of the group (including information on where, and from whom, evidence has been gathered), particularly if the group has met in private. The committee can then decide to adopt the recommendations, submitting them to the council’s executive or another body for a response.

6.14 All ways of working demand careful planning. Councils should, in programming work, consider in some detail the scope of a topic and how it should be considered so as to maximise its impact. In some cases this may involve councillors’ meetings beforehand, either in private or in public, to discuss questioning strategy, or otherwise meeting to plan scrutiny work. Resourcing arrangements for scrutiny should take into account the necessity for officer support for this planning activity.

Resourcing and Information

6.15 To be effective scrutiny must be resourced and have access to officers dedicated to supporting scrutiny committees to plan, manage and execute their work programmes. Officers not directly supporting scrutiny should be mindful that their employment is with the council and not the executive, they should therefore provide scrutiny committees with support and information in a constructive and timely manner to assist their work. This may sometimes present challenges for officers but members of scrutiny committees and members of the executive should also be mindful of these conflicts and these matters should be

considered when protocols are developed governing the relationships between officers and members for inclusion in the council's constitution.

6.16 Section 65 of the Local Government and Elections (Wales) Act 2021 amended section 22(10) of the Local Government Act 2000 which provides Welsh Ministers with a power to make regulations which include provision for or in connection with requiring prescribed information about prescribed decisions made in connection with the discharge of functions which are the responsibility of a local authority executive to be made available to members of the public or members of the authority to include an overview and scrutiny committee of the authority or a sub-committee of such a committee. This is intended to convey the seriousness which Welsh Ministers attach to effective co-operation and information sharing between the executive and scrutiny and its place at the heart of the good and effective governance of the council.

Reviewing Scrutiny

6.17 Effective scrutiny is itself open to regular review and arrangements should be put in place for this to take place as part of the council's self-assessment processes. Peer review is also a good way to review effectiveness and learn from the experience of other scrutineers.

EXTRACT OF STATUTORY GUIDANCE SHOWING CHANGES RELATING TO CO-OPTED MEMBERS OF OVERVIEW AND SCRUTINY COMMITTEES

Status of this Guidance

8.1 This is statutory guidance made under Section 76 of the Local Government (Wales) Measure 2011 (the Measure). It relates to the co-option of persons that are not members of local authorities onto their overview and scrutiny committees in accordance with section 21 of the Local Government Act 2000. This guidance replaces previous guidance issued in 2012.

Purpose of this Guidance

8.2 The purpose of this guidance is to provide a framework for councils to consider when appointing co-opted members to overview and scrutiny committees. In particular it requires councils to have regard to how co-option could bring a wide range of different skills and increased diversity to overview and scrutiny committees.

Policy Intent

8.3 Co-option of members to overview and scrutiny committees who are not councillors is a way to build a more diverse membership. It can provide a way to support broader public participation in local democracy and should form part of the council's strategy on encouraging participation as required by section 40 of the Local Government and Elections (Wales) Act 2021.

8.4 In making arrangements for co-option, councils might:

- **Think about the needs of under-represented groups, and the barriers that might otherwise exist for such groups to engage with the business of the authority;**
- **Consider co-option alongside other methods of assuring public participation such as inviting people with valuable perspectives and experience to engage as witnesses or technical advisers as co-option may not always be the best way to garner the views and experience of some people.**

8.5 Co-opted members on committees can significantly strengthen their effectiveness by bringing different perspectives. Whilst co-option is only one method by which the views of stakeholders can help shape the work of scrutiny committees, it is considered by the Welsh Government to be an important tool in achieving 'buy-in' from representative groups and individuals that may otherwise be disengaged from local decision-making processes. Co-option can serve to strengthen Members' community leadership role through the provision of alternative perspectives and the facilitation of stronger area-based networks and contacts.

8.6 The Welsh Government considers that including a broader range of specialists, community representatives and service-users in scrutiny exercises is advantageous, and that proactively engaging co-optees in scrutiny activity, enables elected members to send powerful messages about involving people and partners through their own structures and practice.

Voting rights and Code of Conduct

8.26 The Measure does not afford co-opted members of scrutiny committees with any voting rights. **Consequently, they are therefore not bound by statute to comply with the Code of Conduct for Elected members as provided for by Part 3 of the Local Government Act 2000. However, co-opted members should be encouraged to abide by the principles set out in the code and conduct themselves to the highest standards of ethical behaviour.** There are other statutory co-optees whose roles attract voting rights. These include: those members co-opted under the provisions of paragraph 8 to Schedule 1 to the Local Government Act 2000, the Parent Governor Representatives and Church Representatives (Wales) Regulations 2001 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009. **Any members co-opted under these provisions are required by law to comply with the Code of Conduct.**

EXTRACT OF STATUTORY GUIDANCE SHOWING CHANGES RELATING TO OVERVIEW AND SCRUTINY COMMITTEES - TAKING INTO ACCOUNT THE VIEWS OF THE PUBLIC

Status of this guidance

11.1 **This is statutory guidance issued under section 62(4) and (5) of the Local Government (Wales) Measure 2011 (the Measure). A local authority and an overview and scrutiny committee must have regard to this guidance in complying with their obligations under section 62 'Taking into account the views of the public'. This guidance replaces previous guidance on this matter issued in 2012.**

Purpose of this guidance

11.2 The guidance is intended to provide practical advice to local authorities and overview and scrutiny committees as to how to comply with the requirements set out in section 62 of the Measure. This guidance relates to all overview and scrutiny committees and their sub-Committees, and to any joint overview and scrutiny committees and sub-Committees of joint overview and scrutiny committees (referred to in the legislation as "relevant overview and scrutiny committees").

Background

11.4 Engaging the public more deeply in scrutiny activity may be regarded as a hallmark of healthy democracy. Better communication about local decision-making processes and greater representative participation will help ensure more direct experiences of community life inform strategic thinking and operational practice. **It is also an important element of the council being able to demonstrate it is complying with the duty in section 39 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act) to encourage local people to participate in decision making. The arrangements for taking into account the views of the public in the scrutiny process should be set out in the strategy on encouraging participation required by section 40 of the 2021 Act.**

Raising public awareness about scrutiny

11.7 To enable the public to effectively engage with overview and scrutiny committees, the Welsh Government considers people should first be informed about their council's scrutiny function and programmes of planned work.

11.8 As such, overview and scrutiny committees are expected to make strong efforts to raise public awareness about their role and function, including how people and communities can help shape and contribute to the delivery of scrutiny committee forward work programmes (FWP). **This should also be included and publicised in the council's strategy on encouraging participation required by section 40 of the 2021 Act.**

11.9 Several principal councils have already developed good quality websites which inform members of the public about the way in which decisions are made by a local authority and how people may engage in the work of overview and scrutiny committees. **This should also form part of the guide to the constitution required to be published**

electronically and kept up to date under section 37 of the Local Government Act 2000.

11.10 There should be clear reference to overview and scrutiny on the council's website with easy links to meeting schedules and documentation required by Part VA of the Local Government Act 1972.

Public Engagement

11.11 The Welsh Government considers public engagement in scrutiny is vital in improving the design and delivery of local services from a citizen-perspective. Input from a range of stakeholders can assist in understanding the complexities that often characterise social problems and scrutiny committees can play an important role in gathering necessary intelligence.

11.12 In formulating their arrangements for taking in to account the views of the public councils must have regard to their statutory duties in relation to equalities, including the public sector socio-economic duty and the Welsh language. Arrangements must facilitate and support the ability for people and communities from all backgrounds and protected characteristics to be able to engage constructively and easily with scrutiny.

11.13 It is recommended that local authorities develop internal mechanisms to better enable all members of the public engage in scrutiny activity. Such mechanisms should take accessibility into account and may include the following:

- Request that an item be placed on an agenda for consideration by an overview and scrutiny committee (providing this is of immediate relevance to a topic included on its FWP);
- Submit evidence (oral or written) to a planned or ongoing scrutiny review or investigation;
- Participate as a co-opted Member;
- Submit evidence (oral or written) relating to a Call-In of an Executive decision.

11.14 Arrangements may take the form of public speaking arrangements in some cases, or developing reports summarising written submissions in others. **Committees should take the preferences of the member or member of the public concerned into account. It is recognised that safeguards may need to be built into processes to protect against committees being lobbied in potentially vexatious ways.** Overview and scrutiny committees may still refuse public requests to include particular items on their agendas but in doing so should produce a clear rationale to account for their decision.

11.15 This rationale could link to criteria that committees will have developed in formulating their overview and scrutiny committees' FWPs. Committees should explain why they may refuse to consider a public request for scrutiny or to exclude particular information from their investigative work.

Publication of forward work programmes

11.20 The timely publication and regular updating of forward work programmes of overview and scrutiny committees is essential in facilitating meaningful engagement from the public in scrutiny. This should again be included in the

council's strategy on encouraging participation in decision making published under section 40 of the 2021 Act.

11.21 It is expected that scrutiny committees publish details of their annual FWP on the council's webpages in a clearly signposted section of the website dedicated to scrutiny.

11.22 To encourage greater collaboration between local authorities in the undertaking of joint scrutiny, it is recommended that overview and scrutiny committees FWPs be published near the start of the municipal year. This will allow such committees to better co-ordinate planned activity with relevant councils and other public sector agencies.

11.23 In addition, in order to stimulate interest within existing community networks and representative groups, relevant overview and scrutiny committees should consider sending copies of their FWP to the following:

- Local voluntary sector organisations;
- Police and Crime Panels;
- Fire and Rescue Authorities;
- Youth Councils;
- National Parks;
- Town and Community Councils.

11.24 It is recommended that this take place at the start of the FWP period and make clear that the FWPs of overview and scrutiny committees are flexible and may change according to local priorities. In addition, local authorities may wish to consider containing information in the FWP about how members of the public may assist in developing and delivering overview and scrutiny committees' FWPs.

Public Engagement and Call-In

11.25 In respect of decisions of a council's executive which have been called-in the local authority may wish to develop public speaking arrangements specifically for these occasions.

11.26 Where the subject matter under consideration is not confidential or exempt, such arrangements could recognise the time-limited nature of call-ins by giving the Chair discretion to allow public speakers to provide information and also respond to information presented during the course of discussion. The Chair may be given discretion to allow for multiple representations to be made at a Call-In meeting to allow for different public perspectives to inform the Committee's deliberations.

11.27 The Chair could also have the discretion to stop a speaker at any time in proceedings if in their view a speaker is making comments that are, or appear to be, defamatory, vexatious, discriminatory or offensive.

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REPORT OF THE HEAD OF DEMOCRATIC SERVICES

CONSULTATION - WELSH LOCAL GOVERNMENT ASSOCIATION (WLGA) CHARTER SELF ASSESSMENT FRAMEWORK

Purpose of Report.

1. To consider the proposed self-assessment framework which is planned to replace the WLGA Charter for Member Support and Development and provide feedback to the WLGA as part of this consultation.

Background.

2. Elected Members today face increasing challenges. Under the modernisation agenda, there are heightened expectations on them to undertake a diversity of roles ranging from that of community leader to their special responsibilities within the Council. Throughout Wales, authorities are striving to provide the best possible support for their members to enable them to meet these challenges. This takes the form of skill and knowledge development, support facilities, and support services.
3. The WLGA has a long history of working with authorities to help them develop these activities. To provide structure to the national programme of support, the Wales Charter for Member Support and Development was developed collaboratively by the Association, Elected Members representing each of the political groups and member support officers from each authority.
4. The Charter aimed to provide a broad framework for local planning, self-assessment, action and review together with networking and comparison amongst authorities and the sharing of good and innovative practice. Its adoption has raised the overall amount and standard of support given to members in Wales. For this reason the Charter was planned to be used to assist in the delivery of Cardiff's Diverse Council Declaration.
5. However, given the increasing demands placed on Democratic Services across Wales and the restraints of council budgets, the take up of the WLGA Charter was limited and a more appropriate solution was needed to confirm the quality of the services being provided to Elected Members.
6. The Democratic Services Committee considered a report entitled Achieving the WLGA Charter for Members Support and Development on 28th November 2022 and determined to consider the amended Charter and refer it to political groups for their consideration.

Issues

7. The WLGA has been working with Heads of Democratic Services to develop a voluntary self-evaluation framework for councils to use to assess the effectiveness of the support they provide for councillors. This framework is a modernisation of the former Wales Charter for Member Support and Development which it replaces.
8. The framework takes account of the [Local Government and Elections \(Wales\) Act 2021](#), the [Electoral Administration and Reform White Paper](#), the [WLGA Exit Surveys](#), the [WG survey of councillors](#), the [Civility in public life initiative](#), the WG [Guidance for Principal Councils](#) and the emerging local government improvement and self-assessment framework.
9. Attached at **Appendix A** is the proposed framework which the WLGA has requested be considered by all Democratic Services Committees. The framework is divided into a number of themes, as shown below:
 - a. **Democracy**
 - Candidates and prospective candidates
 - Councillors understand their role, responsibilities, and accountabilities.
 - Standards of conduct
 - The constitution
 - Officer Support
 - Equality of access
 - Support for councillors' rights, safety, and wellbeing
 - Diversity
 - Digital
 - b. **Community**
 - Public awareness
 - Communities contacting councillors
 - Surgeries and community meetings
 - Community engagement, leadership, and co-production
 - Casework support
 - Oversight and safety
 - c. **Learning**
 - The Councillor Development Strategy
 - Personal development reviews (Annual Review)
 - A learning and development Programme.
 - Induction
 - Quality of development
 - Participation
 - Learning from others

Initial Considerations

10. Whilst the framework is intended to be applied by Local Authorities, not all of the criteria that have been identified may be deliverable by the council alone, as they are more likely to be within the remits of the political groups and parties e.g. 'the actions that the

council takes to ensure that councillors from underrepresented groups are actively encouraged to stand and given positions of responsibility wherever possible' (under the proposed framework heading of Democracy, theme of Diversity).

11. The Council's Draft Participation Strategy identifies the elements of the Diverse Council Declaration that have been demonstrated with any outstanding actions being integrated into the Participation Strategy Action Plan. One of the actions is to "Identify opportunities to demonstrate high standards of support and development for our Elected Members" which this proposed framework may provide.

Consultation response

12. The Committee is requested to provide any relevant feedback, comments or suggestions on the suitability of the framework as a shared, national foundation document that councils can use to develop their own approach to self-assessment, recognising their local needs and priorities. The Committee's feedback will be returned to the WLGA.
13. Following this consultation, the WLGA proposes to update the framework and to issue it as a shared support resource to all councils for use.

Financial Implications

14. There are no direct financial implications contained within the report. Should the Council determine to undertake the voluntary self-assessment in the future, any costs associated with addressing any shortcomings identified will have to be met from the existing budgets or an appropriate source of funding will need to be identified.

Legal Implications

15. The statutory functions of the Democratic Services Committee include the responsibility to review and make recommendations to Council in relation to the adequacy of resources provided for the democratic services functions of the Head of the Democratic Services, which includes the provision of support to enable each member of the authority to carry out the role of member.
16. The proposed Councillor Support Self-Assessment Framework aims to provide assurance that councillors are being provided with the support needed for them to effectively discharge their role. The Committee should consider whether it is satisfied that the proposed framework is clear and helpful and appropriately covers all issues which may be relevant for supporting members in Cardiff (as well as other LA's in Wales) and make any appropriate comments in this regard.

Recommendations

17. The Democratic Services Committee is requested to consider the information contained within the report and its appendix and identify any appropriate feedback on the suitability of the WLGA's Councillor Support Self-Assessment Framework as a shared, national foundation document that councils can use to develop their own approach to self-assessment, recognising their local needs and priorities.

GARY JONES
Head of Democratic Services

7 November 2023

Appendix:

Appendix A From Charter to Self-Assessment, the Evolution of the Wales Charter for Member Support and Development

Background Documents:

[Draft Participation Strategy](#) report to Cabinet dated 13 July 2023

[Diverse Council Declaration](#) report to Council dated 27 January 2022

[Achieving the WLGA Charter for Members Support and Development](#)

to the Democratic Services Committee dated 28th November 2022

From Charter to Self-Assessment, the Evolution of the Wales Charter for Member Support and Development

Consultation July 2023

Background

Twenty years ago, support and development for councillors in Wales was less well established than it is today. In 2002, the first improvement team at the WLGA (then Syniad), worked with every council and a cross party group of councillors to identify what further support and training opportunities councillors would find useful. Councils requested that good practice in this area should be agreed, described, and disseminated.

In response to this request, and in line with wider UK practice, the Wales Charter for Member Support and Development was co- developed by the WLGA and councils to:

- provide a framework for good practice across Wales,
- be an incentive for councils to provide their councillors with the support and development they needed, and
- provide assurance to councillors that they were being given the best support possible.

Over the last 20 years, the Charter has been further developed and instrumental in both enabling and recognising local good practice. The majority of councils, national parks and fire and rescue authorities have been awarded the Charter, whilst others have used it as a framework to identify good practice and check that they have effective support mechanisms in place.

Since the inception of the Charter, the local government landscape has changed significantly. The role of councillors has become even more challenging and wide ranging. Resources are scarce and ways of working post Covid radically different. Councils now have more sophisticated and well-established approaches to councillor support. The Welsh Government has introduced legislation with statutory guidance for councillors and democratic services. The improvement landscape has also evolved. In 2021-22 a new Improvement Programme was launched to support sector-led improvement across local government in Wales. Leaders and chief executives have expressed a commitment to sector-led improvement, underpinned by peer challenge, support and mutual aid.

Against this backdrop, the Charter has been reviewed by the WLGA and councils represented by their Heads of Democratic Services. We recognise that although the Charter provided a framework for good practice, impetus for, and recognition of councillor support in the past, there is now a need for a different framework which reflects a more progressive approach to sector led improvement, recent WG legislation, statutory and other guidance and which recognises the increasingly limited resources available in councils.

A Councillor Support Self-Assessment Framework.

Proposal

We propose that the existing Charter be replaced by a voluntary self-assessment framework that focusses on the support provided for councillors to deliver the outcomes needed by their communities. The framework aims to cover all aspects of good practice in councillor support. However, as priorities and resources differ between councils, it would be for councils to decide locally how much of the framework to use and which sections should be prioritised.

The framework would be developed according to the following principles:

1. Aims of the framework

- To provide assurance to councils that councillors are provided with the support, information, guidance, and development needed to enable them to secure the best possible outcomes for their communities.
- To provide an ambitious but pragmatic national framework of good practice which recognises legislative requirements, statutory and other guidance, the expressed needs of councillors and widely accepted examples of what works.

2. Principles for development

- To develop the framework collaboratively with councils, WLGA and other stakeholders to ensure that it meets needs and reflects national aspirations.
- To develop a framework which works with the wider programme for improvement and self-assessment in Wales with a potential to develop as part of the peer review programme if required. Councils may decide that this self-assessment should be led by democratic services committees.
- To develop a framework that reflects the needs of all councillors regardless of political party or independent status.
- To provide opportunities for practice sharing between councils.

3. Scope of the framework

The framework would cover:

- support and development for councillors in the widest sense to incorporate support provided by the whole council. Including, but not limited to, for example, democratic services, legal, digital, communications, learning and development teams, and directorates in their support for scrutiny, the executive and frontline councillors,
- the needs of all councillors before election, as new members and as experienced politicians,
- all councillor roles both within the council and in the community,
- the personal and 'professional' support to councillors within the influence of councils and
- the expectations placed on councils, officers, and councillors themselves.

4. Context

5. An example framework for discussion

The framework below is based on the proposed aims and principles and offered as a starting point for discussions between all stakeholders. Councils are invited to comment on the suitability of the framework as a shared, national foundation document that councils can use to develop their own approach to self-assessment recognising their local needs and priorities.

| | |
|---|---|
| Democracy | Outcomes sought: <ul style="list-style-type: none"> • People are encouraged and enabled to stand for office. • Councillors understand their role and undertake it effectively and ethically. • Councillors can participate equally in council business. • Councillors are provided with the support, information, and resources they need. • Councillors represent the diversity of the people they serve. • Councillors are safe and protected from harm. |
| Theme | Questions to ask |
| Candidates and prospective candidates | <p>Does the council provide comprehensive information to prospective and official candidates about the role of the councillor, the council and any associated responsibilities and benefits?</p> <p>Are the approaches to the outreach to and information for prospective candidates made according to the need to encourage diversity in candidates and informed by the council's Diversity Declaration?</p> <p>Does the council signpost prospective candidates to information provided by the WG, WLGA, Electoral Commission and other organisations providing information for candidates?</p> <p>Do councillors, the council and local parties promote fair and respectful campaigning initiatives?</p> <p>Are prospective candidates informed about support for standing such as the Access to Elected Office fund?</p> <p>Are prospective candidates informed of the expectations placed on them to take part in induction and continuing professional development some of which will be mandatory?</p> |
| Councillors understand their role, responsibilities, and accountabilities. | <p>Are all councillors, when elected or when being selected for a specialist position, provided with information and guidance about all aspects of their role?</p> <p>Are all members provided with a competency framework to understand the skills and knowledge required of councillors?</p> <p>Have role descriptions (see WLGA models for examples) been formally adopted by the council and agreed by individual councillors?</p> |

| | |
|------------------------------------|---|
| | <p>Have councillors serving on outside bodies been provided with:</p> <ul style="list-style-type: none"> • guidance on their role and responsibilities, • legal information such as their accountabilities and interests, • an explanation of the expectations placed on them by their nominating council, • requirements for communication with and reporting back from the outside body? |
| <p>Standards of conduct</p> | <p>Do all councillors understand their responsibilities in adhering to the local code of conduct? Have they received local guidance and any information provided by the Public Services Ombudsman for Wales?</p> <p>Do standards committees and chairs understand their particular roles and responsibilities?</p> <p>Do political group leaders promote and maintain high standards of conduct and cooperate with the standards committee?</p> <p>Have all councillors formally committed to undertake all aspects of their role with civility and respect towards each other, the public and officers in all settings and media?</p> <p>Are instances of bullying, harassment and intimidation dealt with quickly and effectively?</p> |
| <p>The constitution</p> | <p>Do all councillors understand the constitution including:</p> <ul style="list-style-type: none"> • the roles, responsibilities, and limits to the roles of committees, • the role of individual councillors and officers, • councillor /officer protocols, • meeting practice, • standing orders, • rules of debate, • public engagement, • roles on the council where councillor training is deemed mandatory? |
| <p>Officer support</p> | <p>Does every committee, panel, forum etc. have an appropriate level of officer support?</p> <p>Are councillors supported adequately in their collaborative and joint work with other councils or organisations, for example on corporate joint committees?</p> <p>Are councillors supported in their community and case work?</p> <p>Are all councillors provided with the information and research they are entitled to according to the requirements of the statutory guidance issued under section 8 (1A) of the Local Government Wales Measure 2011.</p> <p>i.e. All councillors are proactively and also in response to specific requests, provided with information, data, briefing and training relating to their decision making, committee work and community and casework.</p> |

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| | <p>This service is:</p> <ul style="list-style-type: none"> • provided equitably to all members according to a published protocol which includes standards and response times, • exclusive of information for party political use, • provided confidentially where necessary and with due regard to data protection and other information law, • undertaken by the council or external agencies, • proportionate and provided within available resources. <p>Democratic services committees ensure that the service is effective and adequately resourced.</p> <p>Do overview and scrutiny committees have dedicated support from officers who can provide impartial research, support, and advice?</p> <p>Has the nature of any support information including research services has been clearly publicised and explained to all councillors?</p> |
| <p>Equality of access</p> | <p>Are the arrangements made for the business of the council flexible and do they enable councillors to participate fully regardless of personal circumstances?</p> <p>Do meeting times, modes and venues reflect the expressed needs of councillors as closely as possible?</p> <p>Do councillors have equal access to meetings regardless of any protected characteristics?</p> <p>Do the arrangements for multi-location meetings meet the needs of councillors?</p> <p>Are councillors and other meeting participants able to use both Welsh and English in meetings?</p> <p>Do council recess times reflect the needs of councillors with, for example, caring responsibilities?</p> <p>Are job share arrangements for cabinet members supported so that the workload is clear and appropriate?</p> <p>Are occasional physical spaces available for informal meetings on request?</p> |
| <p>Support for councillors' rights, safety, and wellbeing</p> | <p>Are councillors provided with guidance on their rights and benefits. For example, salaries, family absence, job sharing for members of the executive/cabinet, allowances, tax and benefits, pensions, indemnities, data protection and freedom of information?</p> <p>Are councillors actively encouraged to take up the salaries and allowances they are entitled to and is foregoing allowances and salaries actively discouraged?</p> <p>Does the council have an informal duty of care in place which demonstrates a proactive commitment to protecting councillors' health and wellbeing? Is this recorded and available for members to view? Does it set out the nature of any support available to councillors for example counselling and health checks and those responsible for helping councillors access this support?</p> |

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| | <p>Are councillors provided with guidance on maintaining their wellbeing and personal safety? For example, lone working, bullying and harassment?</p> <p>Does the council act proactively to support councillors who experience bullying and harassment, including liaison with the police if appropriate?</p> |
| Diversity | <p>Has the council's Diversity Declaration been agreed by the Full Council? Is it monitored?</p> <p>Does the Diversity Declaration set out the actions that the council takes to ensure that councillors from underrepresented groups are actively encouraged to stand and given positions of responsibility wherever possible?</p> <p>Are councillors with special access requirements supported in their work in the council and community?</p> |
| Digital | <p>Have all councillors been provided with the equipment or funding to buy equipment, software, apps and connectivity required to undertake their role in the council offices, at home and when travelling in the council area?</p> <p>Does this include smart phones and laptops/tablets?</p> <p>Has full training been provided in the use of equipment and packages? Is technical support available?</p> <p>Are councillors sufficiently supported in their attendance at multilocation meetings?</p> <p>Are councillors supported in the use of social media through guidance on its use and online safety?</p> |

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| Community | <p>Outcomes sought:</p> <ul style="list-style-type: none"> • Councillors lead, represent, advocate for, and enable their communities. • Councillors make sure that local resources are available and maximised. • Councillors encourage citizen participation and innovation. • Councillors work with communities to make them sustainable and resilient. |
| Theme | Questions to ask |
| Public awareness | <p>Does the council ensure that the public understand the role and responsibilities of councillors and of local MSs', MPs and community and town councillors?</p> <p>Do people know which tier of representative should be contacted for different local issues?</p> <p>Does the council publicise and promote the value of councillors to the community?</p> |
| Communities contacting councillors | <p>Are systems in place for local residents and community groups to contact their local ward councillor, and/or councillors with specific roles, if appropriate?</p> <p>Are these systems and standards for their application clearly articulated and publicised to the public and councillors?</p> |

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| Surgeries and community meetings | <p>Is the support provided by the council for councillors to organise surgeries and community meetings adequate? Do the relevant officers attend community meetings when requested by councillors where appropriate? Is the extent of the support available to councillors clearly articulated to all councillors?</p> |
| Community engagement, leadership, and co-production | <p>Are councillors informed, supported and resourced to enable their communities to be sustainable and resilient through, for example:</p> <ul style="list-style-type: none"> • formal and informal community consultation • joint working with community leaders to meet needs at a local level, • co-production with local people of policies and actions which lead to successful communities? <p>Is this support for councillors clearly articulated to all councillors?</p> |
| Casework support | <p>Are adequate systems in place to support councillors in their casework? Is this support:</p> <ul style="list-style-type: none"> • provided equitably to all members according to a published protocol, • exclusive of party-political activities, • provided confidentially where necessary and with due regard to data protection and other information law, • proportionate and provided within available resources. <p>Are councillors provided with guidance on managing casework. Through, for example casework management systems?</p> |
| Oversight and safety | <p>Does the council have clear protocols in place for protecting the personal safety and wellbeing of councillors which are clearly articulated to councillors and the public? Are the expectations and access of the community managed so that councillors are not contacted inappropriately? Are councillors provided with information and guidance on managing their relationships with the public and maintaining appropriate boundaries?</p> |

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| Learning | Outcome sought: Councillors have the skills and knowledge to deliver what local people need. |
| Themes | Questions to ask |
| The Councillor Development Strategy | Does the council have an effective and defined approach to councillor development which includes the expressed needs of every councillor and the needs of the organisation and community? |

| | |
|--|---|
| Personal development reviews | Does the council provide all councillors with useful personal support and development reviews undertaken by people competent to do so? |
| A learning and development Programme. | Does the council have an annual learning and development programme fully promoted to councillors? Can all councillors access the programme equally? Is the programme regularly monitored, evaluated, and updated? Are councillors able to identify positive outcomes from the training such as improved understanding and performance and specific outcomes for the community? |
| Induction | Are all new or returning councillors provided with a comprehensive, prioritised, multi session, programme of induction which enables councillors to participate effectively during their first year of office? |
| Quality of development | Do councillors believe that the learning activities are sufficiently stimulating, relevant and provided in progressive and appropriate styles? Does the council have a systematic and effective approach to commissioning, developing, delivering, and evaluating its training and development activities? |
| Participation | Do councillors attend all the development opportunities that are relevant to them? Is any non-participation addressed? |
| Learning from others | Do councillors participate in shared regional and national development opportunities? Are councillors encouraged and supported to collaborate with other councils and national bodies to act as political peers, mentors and in networks to share approaches to the role of councillor, identify good practice and to contribute to sector led improvement? |

DEMOCRATIC SERVICES COMMITTEE 13 NOVEMBER 2023

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2024-25

Reason for this Report

1. The Democratic Services Committee is requested to consider the proposals of the Independent Remuneration Panel for Wales (IRPW) ('the Panel') draft report 2024/25 in respect of Members' remuneration and allowances and agree the Committee's consultation response.

Background

2. The IRPW is a statutory body established initially by the Welsh Government in January 2008 to recommend the levels of salaries, allowances and expenses payable to Councillors and Co-opted Members. The Local Government (Wales) Measure 2011 gave the Panel additional powers to prescribe the levels of Member remuneration and allowances. The Panel also received further powers following the introduction of the Local Government (Democracy) (Wales) Act 2013.

Issues

3. The Independent Remuneration Panel for Wales, Draft Annual Report, was published on 13 October 2023 and details its proposals on the payment of remuneration and allowances in 2024 – 2025 to Elected Members, Independent and Co-opted Members by principal councils from 1st April 2024. The Panel's Draft Annual Report for 2024 - 25 is attached at **Appendix A**.

Proposals of the Panel

Basic Salary

4. The basic salary, paid to all elected members, is remuneration for the responsibility of community representation and participation in the scrutiny, regulatory and related functions of local governance. The Panel has determined that the basic salary will be aligned with three fifths of the Average Hourly Earnings in Wales (ASHE) 2022, the latest figure available at drafting. The Panel proposes that the annual Basic Salary in 2024 - 25 for elected members of principal councils in Wales shall be increased from £17,600 to £18,666.

Senior Salaries

5. All senior salaries include the basic salary payment. The different levels of additional responsibility of and between each role is recognised in a banded framework. No changes to banding are proposed this year.
6. The basic pay element will be uplifted in line with ASHE and this uplift will also apply to the role element of Bands 1, 2, 3 and 4. Where a Band 5 is paid, there is no increase to the role element as this remains temporarily frozen. The increase in the basic salary will apply.
7. The annual Senior Salaries in 2024-25 as proposed by the Panel and applicable to the Council are increased at the same rate as basic salaries and are as follows:

| Bands of Responsibility | Role(s) | Senior Salaries proposed by the Panel for 2024/25 (Inclusive of Basic Salary) |
|--------------------------------|---|--|
| Band 1 | Leader | £69,998 |
| | Deputy Leader | £48,999 |
| Band 2 | Cabinet Members | £41,999 |
| Band 3 | Committee Chairs (if remunerated) | £27,999 |
| Band 4 | Leader of largest Opposition Group | £27,999 |
| Band 5 | Leader(s) of other political group(s) 'a political group other than controlling/ largest opposition group (if any) which comprises not less than ten per cent of the members of the Council' (if remunerated) | £22,406 |

Allocation of Senior Salaries

8. The Panel has determined that there is no change to the maximum number of the Council's membership that is eligible to receive a Senior Salary in 2024-25. In Cardiff (Population Group A), the maximum number of Senior Salaries is capped at **19**, excluding Civic Salaries. However, this cap is increased for all job-share arrangements (up to 50% of the council's membership).
9. For 2023 - 24, the following 21 post-holders were in receipt of a senior salary:

| Bands of Responsibility | Role(s) | No. of Senior Salaries |
|--------------------------------|-----------------------|-------------------------------|
| Band 1 | Leader | 1 |
| | Deputy Leader | 1 |
| Band 2 | Other Cabinet Members | 10* |

| Bands of Responsibility | Role(s) | No. of Senior Salaries |
|--------------------------------|---|-------------------------------|
| Band 3 | Scrutiny Chairs | 5 |
| | Planning Committee Chair | 1 |
| | Licensing / Public Protection Committees Chair | 1 |
| Band 4 | Leader of the largest opposition group (Conservative Group) | 1 |
| Band 5 | Leader of the Liberal Democrat Group | 1 |
| Total | | 21 |

* Including 4 Cabinet Job-Sharers

Civic Salaries

10. For 2023 - 24, the following post-holders were in receipt of a civic salary and the proposed Civic salary for 2024/25 is shown below:

| Role(s) | No. of Civic Salaries | Civic Salaries proposed by the Panel for 2024/25 (Inclusive of Basic Salary) |
|---------------------------------------|------------------------------|---|
| Civic Head (Lord Mayor) | 1 | £27,999 |
| Deputy Civic Head (Deputy Lord Mayor) | 1 | £22,406 |

Payments to Co-opted members

11. The Panel's current determination (made in the 2022 to 2023 Annual Report and retained in the 2023/24 Annual Report) states that co-opted members of the relevant bodies should be remunerated on a full day or half day basis. In addition, the relevant officer may decide on the total number of days remunerated in a year and set a reasonable time for meeting preparation. The Panel has noted the changes to working practices, put in place during Covid and now becoming more routine, that has meant a move towards more frequent use of online meetings and or training courses, often short, as well as more regular committee meetings. The panel also received feedback from Heads of Democratic Services raising this issue.
12. The Panel considered moving to an hourly rate instead. This would better reflect new ways of working and hours actually worked. However, the Panel recognised that this may not always be appropriate, especially to cover in person meetings scheduled to last several hours. The Panel therefore proposes there should be local flexibility for the relevant officer to decide when it will be appropriate to apply a day or a half day rate or to use an hourly rate where it is sensible to aggregate a number of short meetings, as outlined below:

| Role | Hourly rate payment | Up to 4 hours payment rate | 4 hours and over payment rate |
|---|----------------------------|-----------------------------------|--------------------------------------|
| Chairs of standards, and audit committees | £33.50 | £134 | £268 |
| Ordinary Members of Standards Committees who also chair Standards Committees for Community and Town Councils | £29.75 | £119 | £238 |
| Ordinary Members of Standards Committees; Education Scrutiny Committee; Crime and Disorder Scrutiny Committee and Audit Committee | £26.25 | £105 | £210 |
| Community and Town Councillors sitting on Principal Council Standards Committees | £26.25 | £105 | £210 |

Salaries for Joint Overview and Scrutiny Committees

13. The Cardiff Capital Region City Deal Joint Scrutiny Committee is currently the only Joint Overview and Scrutiny Committee to which Cardiff Councillors can be appointed as chair or vice-chair. The Panel has identified that the salary of a chair of a Joint Overview and Scrutiny Committee will be £9,333 with the salary of a vice-chair is set at 50% of the Chair and will be £4,667. There are no other changes to the remuneration of Joint Overview and Scrutiny Committee membership.

Payments to National Parks Authorities and Fire and Rescue Authorities (FRA)

14. Cardiff Council has five representatives on the South Wales FRA with the costs of these roles being met by the FRA. In line with the Panel's decision to increase the basic salary of elected members of principal councils, the remuneration level for ordinary members of both NPAs and FRAs is also increased in line with ASHE.
15. The remuneration for Chairs will remain linked to a principal council Band 3 senior salary. Their role element will therefore increase accordingly. Deputy chairs, Committee chairs and other paid senior posts will remain linked to a Band 5. This means the role element of their pay will continue to be temporarily frozen. Full details of the levels of remuneration for members of NPAs and FRAs is set out below:

| Fire and Rescue Authorities | |
|--------------------------------------|---------|
| Basic salary for ordinary member | £2,632 |
| Chair | £11,965 |
| Deputy Chair (where appointed) | £6,372 |
| Committee Chair or other senior post | £6,372 |

16. There are no further changes to the payments and benefits paid to elected members and therefore all other determinations from 2022 to 2023 are retained and should be applied in 2024 to 2025, including those covering:

- Travel and subsistence.

- Care and Personal Assistance.
 - Sickness Absence.
 - Corporate Joint Committees,
 - Assistants to the Executive,
 - Additional salaries and Job-sharing arrangements and
17. It should be noted that any Member may, by notice in writing delivered to the Monitoring Officer, personally elect to forgo any part of their entitlement to any salary, allowance or fee payable under this Scheme from the date set out in the notice.

Community and Town Councils

18. The Panel has made proposals for Costs and Expenses for members of Community and Town Councils, but there is no direct impact on Cardiff Council of these proposals.

Consultation on Draft Report

19. The Panel would welcome feedback on their draft Report and have included some additional questions at the end of **Appendix B**. A copy of the report and consultation questions has been circulated to all Elected, Independent and Co-opted Members to allow them to provide feedback to the Committee or to make their own responses to the draft report questions.
20. The consultation period will end on the 8 December 2022 and the Democratic Services Committee is requested to consider the questions and agree responses to be submitted within the consultation period.

Legal Implications

21. The legal framework is set by Part 8 of the Local Government (Wales) Measure 2011 (“the Measure”), under which the Independent Remuneration Panel for Wales (“the Panel”) is given functions relating to payments to Councillors and Councillors’ pensions (s.142 of the Measure). The Panel is required to publish an annual report on the exercise of its functions with respect to each financial year (s.143 of the Measure); and the Council must comply with the requirements imposed on it by the Panel’s Annual Report (s.153 of the Measure).
22. The IRPW’s publication of its draft Annual Report 2024/25 gives the Council and its Members the opportunity to provide comments on the Panel’s *proposed* determinations in relation to remuneration for the financial year 2024/25 before they become binding upon the Council. The Panel’s final determinations will be published, having regard to consultation responses, in its Annual Report, which is due to be published in February 2024.
23. After the IRPW Annual Report is published in final form, the Council is required to produce and maintain an annual Schedule of Remuneration (*‘the Schedule’*), which must be published and sent to the IRPW as soon as practicable after determination and not later than 31 July in the year to which it applies. The approval of the Schedule of Remuneration must be made by full Council.

24. The IRPW Regulations (Annex 2 within the 2022/23 Annual Report) state that the Council must make provision for reimbursement of care costs, travel and subsistence for Members carrying out 'official business' as a Member or co-opted member of the Council. (The draft Annual Report 2024/25 makes no changes in this regard, which means this requirement would continue to apply for the 2024/25 Schedule.) The definition of 'official business', as reflected in the 'approved duties' listed in Schedule 2 to Cardiff's Schedule of Remuneration 2022/23, includes 'any other duty approved by the authority, [...] undertaken for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees'. This allows the Council to add to the list of 'approved duties' for which Members may be remunerated.
25. The Council may amend its Schedule of Remuneration at any time during the year, provided that the amendments accord with the Panel's determinations for that year. Any amendments made to the Schedule during the year must be notified to the Panel as soon as possible after the amendment is made.
26. All Members entitled to receive payment have a personal interest in this report which should be declared. However, paragraph 12.2 (b)(iv) of the Code of Conduct states that you will not be regarded as having a prejudicial interest in any business of the Council relating to remuneration or an allowance or payment or pension made in accordance with the Local Government (Wales) Measure 2011 or the Local Government and Housing Act 1989. This means all Members may debate and vote on the recommendations in this report.

Financial Implications

27. The overall financial allocation for Members' Remuneration in 2023/24 is £2.047 million. The amendments proposed by the Independent Remuneration Panel for Wales would require an increase to the 2024/25 allocated budget of £189,000.

RECOMMENDATIONS

28. The Democratic Services Committee is requested to:
 - a. consider the proposals of the Independent Remuneration Panel for Wales (IRPW) in its Draft Annual Report for 2024-25 published on 13 October 2023 and attached at **Appendix A** and the consultation questions attached at **Appendix B**.
 - b. agree appropriate responses to the consultation questions for submission to the IRPW.
 - c. Delegate authority to the Head of Democratic Services, in consultation with the Chair of the Democratic Services Committee, to finalise the consultation response and submit it to the IRPW before the end of the consultation period on 8th December.

GARY JONES
Head of Democratic Services
7 November 2023

The following Appendices are attached to this report:

- Appendix A Independent Remuneration Panel for Wales Draft Annual Report published on 13 October 2023
- Appendix B Independent Remuneration Panel for Wales Draft Annual Report Consultation questions

Background Papers:

- Independent Remuneration Panel for Wales Annual Report (February 2022)
English:
[Independent Remuneration Panel for Wales: annual report 2022 to 2023 \[HTML\] | GOV.WALES](#)
Cymraeg:
[Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol: adroddiad blynyddol 2022 i 2023 \[HTML\] | LLYW.CYMRU](#)
- [Members Remuneration and Allowances 2023 - 2024](#) report to Council dated 25 May 2023

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Question 1 - Uplift of remuneration using the Annual Survey of Hours and Earnings (ASHE)

The Panel is fully aware of the current constraints on public funding and the impact its decisions will have on the budgets of Principal Authorities. The Panel is also mindful of our Aims and Objectives to provide a fair and reasonable remuneration package to support elected members and to encourage diversity of representation. We therefore propose to uplift their remuneration based on the average earnings of their constituents.

Do you think that the Panel has struck the right balance between affordability and adequate remuneration for representatives? If not, do you have other suggestions?

Yes

No

No Opinion

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Any additional comments

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Question 2 - Local flexibility for payments to co-opted individuals

The Panel has received evidence that it would be more cost effective and fairer to provide for flexibility in paying those who are co-opted to serve on committees of Principal Councils, National Park Authorities and Fire and Rescue Authorities.

The Panel has therefore proposed there should be local flexibility for the relevant officer to decide when it will be appropriate to apply a day or half day rate or to use an hourly rate where it is sensible to aggregate a few short meetings.

Do you agree with this proposal? If not, do you have any suggested alternatives?

Yes

No

No Opinion

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Any additional comments

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Question 3 - Encouraging sustainable travel

The Panel would like to ensure that we support environmental sustainability in our decisions about remuneration. We are aware that there are schemes in many bodies in Wales which encourage sustainable travel and we have advised that, if possible, elected members should be encouraged to participate in these schemes.

Do you have any examples of good practice or other ideas of ways in which we might use our powers to encourage more sustainable travel among members?

Yes

No

No Opinion

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Any additional comments

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Question 4 - Awareness of the entitlements of representatives

The Panel has seen evidence of a lack of awareness amongst local elected members of the payments to which they are entitled. We would like to find out if this is a significant issue, and if so, we will aim to raise awareness further, targeted at areas where this may be a problem.

Please identify which type of body you serve (select all that apply):

- | | |
|---------------------------|--------------------------|
| Principal Council | <input type="checkbox"/> |
| Community or Town Council | <input type="checkbox"/> |
| Fire and Rescue Authority | <input type="checkbox"/> |
| National Park Authority | <input type="checkbox"/> |

What is your status?

- | | |
|-----------------|--------------------------|
| Member | <input type="checkbox"/> |
| Co-opted Member | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

Did you know that you may be entitled to some of or all the following?

- Remuneration for your role

| | |
|-----|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |

- Pension (Principal Councils only)

| | |
|-----|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |

- Reimbursement of expenses

| | |
|-----|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |

- Reimbursement for caring responsibilities

Yes
No

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- Family absence payments (Principal Councils only)

Yes
No

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What steps does your council or authority take to make its elected members and co-opted members aware of their entitlements?

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Question 5 - Publication of consolidated sums for Community and Town Councils

Community and Town Councils are required to submit an annual statement of payments to the Panel by 30 September each year, and also publish this on their website. The Panel have provided a template return for clerks to use. The Panel have discussed and considered changing the requirements for Community and Town Councils when submitting their statement of payment returns. The Panel's aim is to simplify administration and encourage Councils to ensure all mandatory payments are made to individual members.

The Panel proposes that from September 2024, the returns need only show the total amounts paid in respect of the mandatory payments mentioned above. That is the £156 contribution to the costs of working from home, the £52 set rate consumables allowance and the travel and subsistence expenses paid.

This brings these in line with the reporting of the costs of care and personal assistance allowances.

Do you agree that these figures may be published as a global total rather than individually?

Yes

No

No View

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|--------------------------|
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input type="checkbox"/> |

What are the reasons for your view?

Question 6 - Publication of consolidated sums for other bodies

In future reports, we are thinking of allowing consolidation of the travel and subsistence expenses of members of principal councils, National Park Authorities and Fire and Rescue Authorities and would be interested in your views.

Do you agree that these figures may be published as a global total rather than individually?

Yes

No

No View

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| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input type="checkbox"/> |

What are the reasons for your view?

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REPORT OF THE HEAD OF DEMOCRATIC SERVICES

MULTI-LOCATION MEETING UPDATE**Reason for this Report**

1. The purpose of this report is to provide the Democratic Services Committee with an update on the use of the Council's multi-location meeting arrangements and the performance of the Council's conferencing system.

Background

2. Under the Local Government and Elections (Wales) Act 2021, local authorities are required to put in place, and publish, arrangements for multi-location meetings, that is, formal meetings where meeting participants may not all be in the same physical place. The legislation and associated statutory guidance [<https://www.gov.wales/statutory-and-non-statutory-guidance-democracy-within-principal-councils-governance-and-scrutiny#127808>] makes it clear that it is the choice of each member whether or not they attend remotely or in person.
3. The Council's arrangements are set out in the Multi-Location Meetings Procedure Rules in Part 4 of the Constitution and the Multi-Location Meeting Policy, which was approved by Cabinet on 10 March 2022 and is shown at Appendix A.
4. At its meeting on 28 November 2022 the Committee considered a report which provided an update on the use of the Council's multi-location meeting arrangements and the performance of the Council's conferencing system. This report identified the rationale for the procurement of the conferencing system and to address the initial concerns of Members regarding the use of the system.

IssuesCouncil Meeting - 20 July 2023

5. Prior to the Council meeting scheduled on 20 July 2023 in City Hall, the conference system was successfully tested by the Democratic Services team to ensure its effective operation. However, shortly after the start of the meeting the Chamber and Elected Members who were attending remotely experienced loss of sound and vision. Following unsuccessful efforts by the Democratic Services team to resolve the issue, representatives from VP-AV, the conferencing system provider, logged into the system remotely to ascertain the reasons for the malfunction. No immediate fault could be identified and with the agreement of the Group Leaders

the meeting was adjourned and the business of the meeting was deferred to the meeting scheduled for September.

6. The following morning, a representative of VP-AV arrived at the City Hall Chamber to undertake a further investigation into the malfunction. It was identified that a cable connecting the Lord Mayor's screen had been damaged and its connection to the system had been dislodged. The disrupted communication between the main system and the display screen generated internal error detection and correction system messages which were not visible to the operator. The connection issues could not be identified at the time and the high-speed connection between the two devices continued to generate more and more error detection and correction messages between the devices which then overloaded the main computer causing the failures.
7. Following the removal of the damaged cable from the screen the connection to one of the Lord Mayor's screens was lost but the remainder of the system immediately began to operate as normal. If this cable fault had been identified as the issue and disconnected at the meeting, the Council meeting would have been able to continue as normal with only the loss of one of the Lord Mayor's screens. The cable has been repaired and the system was successfully tested prior to its move to County Hall.

Move to County Hall

8. The replacement of the heating system in City Hall requires the temporary closure of the building and the transfer of Council meetings from City Hall to the County Hall Chamber. VP-AV were contracted to move the existing conferencing system and infrastructure to County Hall with the intention of holding Council meetings in the County Hall Chamber from September 2023. The secondary aims of this move included maximising the use of existing equipment and optimising the seating available for a Council meeting.
9. The existing equipment in the City Hall Chamber was removed and either placed in safe storage or installed in County Hall. Additional infrastructure was needed in County Hall Chamber to provide mountings, connectivity and cabling for the four 65" screens from City Hall. The installation has undergone initial testing but further testing is being planned to ensure that a full complement of attendees will be able to participate effectively at future Council Meetings.
10. Further preparation for holding Council meetings in County Hall is being undertaken with Political Group Whips to ensure a smooth transition between venues and the effective delivery of Council meetings in County Hall.

Return to City Hall

11. The work in City Hall is due to be completed in in 6-12 months when the equipment will be re-installed into City Hall Chamber to enable Council Meetings to return. During the installation it is being planned that the connections to the Lord Mayor's screens be reinforced to prevent any subsequent damage to the screen cables. This will also include a full testing plan prior to the first Council meeting in City Hall to ensure that the system is functioning effectively.

12. The total cost of £26,470 has been incurred for the removal of the conferencing system from City Hall, its installation into County Hall and its subsequent return to City Hall. These costs have been funded as part of the Core Office project.

Enhancement of the Conferencing facilities in County Hall.

13. During the consultation with Elected Members about the schedule of meeting timings it was identified that several committees wanted to hold their meetings at the same time as other meetings. This was particularly evident during Scrutiny Committee budget meetings which could not be effectively scheduled to meet the needs of the Members or to maximise the benefits of scrutiny. Due to the unavailability of equipment and resources to support simultaneous meeting a compromise solution was agreed for committee meetings until December 2023 this included meetings of the Policy Review and Performance Scrutiny committee being scheduled on Wednesdays the day before Cabinet.
14. A number of alternative solutions including the use of hybrid Teams meetings have been attempted but proved to be ineffective. The lone camera and microphone MS Teams system used with meetings of more than 5 physical attendees was inconsistent. This resulted in the microphone picking up the loudest noise and focussing the camera on that noise rather than remaining focussed on the speaker. A change to a fully remote MS Teams meeting was not suitable for the majority of committee meetings. The provision of simultaneous translation on MS Teams has not been fully tested and further work is ongoing with Bilingual Cardiff to develop its possible future use for fully remote regional meetings e.g. Glamorgan Archives Joint Committee.
15. The provision of a second conferencing system was identified as the preferred method for delivering either overlapping or simultaneous committee meetings with Committee Room 1 being identified as the alternative venue for Committee meetings. A second system would also have the benefit of minimising any cable or other issues from the regular movement of the conferencing system between meeting venues.
16. Additional resources were provided to Democratic Services to enable the recruitment of additional staff to meet requirements of the Local Government and Elections (Wales) Act 2021 which would also enable some committee meetings to be held simultaneously. The recruitment of two additional Committee and Members Services officers has been completed and further recruitments are planned during this financial year.
17. Committee Room 4 is the primary venue for committee meetings which works well but some minor enhancement of the sound particularly for smaller meetings was needed. To optimise the equipment and resources for committee meetings, the existing portable conferencing system would be upgraded and used for meetings in the Council Chambers and Committee Room 1, with a new fixed system being installed in Committee Room 4.
18. The allocation of Committee Room 1 has now been prioritised for Democratic Services use from October when any existing bookings for the use of the room will have been completed.

19. A procurement exercise was undertaken which would provide the fixed conferencing system and enhanced audio capability in Committee room 4 and additional infrastructure in Committee Room 1 to provide camera and display facilities. This procurement was funded with £120,000 identified from the corporate reserves.
20. The installations have been completed and have been proof tested with further technical and load testing continuing to be undertaken. Following successful testing of simultaneous meetings in Committee room 4 and Committee Room 1, work will be undertaken to review the existing calendar of meetings and a revised schedule will be developed.

Software and Testing

21. The roll out of upgraded Easy Conf Connect app has been implemented on the corporate network and was made available to Members in early October. This will further improve the audio and video facilities of the conferencing systems as well as increasing the total number of remote attendees.
22. Testing with officers in October has:
 - a. proved that over 50 attendees can join a meeting remotely. This number will be increased a total of 100 if all remote attendees use the EasyConf Connect APP.
 - b. addressed issues with an echo that was experienced at the September Council meeting when remote attendees were active.

Review of the Multi-Location Meetings Policy

23. The Council's Multi-Location Meetings Policy is scheduled to be reviewed in the new year. The views of Elected Members will be sought and considered as part of this review.

Financial Implications

24. As set out in the report, the move of the conferencing systems from City Hall Chamber to County Hall Chamber, and return, is funded by £26,470 from the Core Office project.
25. The cost for the provision of an additional system, the enhancement of the Committee Room 4 system, and the provision of additional infrastructure in Committee Room 1, is funded by a £120,000 corporate reserve.

Legal Implications

26. The Local Government and Elections (Wales) Act 2021 ('the 2021 Act'), Part 3, Chapter 4, requires local authorities to broadcast full Council meetings and to make and publish arrangements to ensure that all Council, Committee and Cabinet meetings may be attended remotely (ie. enabling persons who are not in the same place to attend the meeting) – also referred to as 'multilocation meetings'.

27. Meetings must be capable of being held virtually, but individual authorities must decide whether their meetings will be held fully virtually, partially virtually (where some participants are in the same physical location, whilst others join the meeting virtually, referred to as 'hybrid meetings') or as physical meetings (although authorities may not mandate physical attendance at meetings).
28. Meeting participants must be able to speak to and hear each other; and for meetings which are required to be broadcast (ie. full Council meetings), participants must also be able to see and be seen by each other.
29. The 2021 Act also places a duty on local authorities, with effect from 5th May 2022, to encourage local people to participate in their decision making and to prepare and publish a public participation strategy detailing how it will meet this duty.
30. When considering arrangements for remote attendance or 'multi-location meetings', authorities must have regard to statutory guidance issued by the Welsh Ministers, which is now included within Part 4 of the consolidated statutory and non-statutory guidance on democracy in principal councils: [Statutory and non-statutory guidance on democracy within principal councils: governance and scrutiny \[HTML\] | GOV.WALES](#)
31. The statutory guidance sets out a number of general principles to guide authorities when developing their meeting arrangements, namely, transparency, accessibility, good conduct, use English and Welsh languages, local needs and future generations. This sets the framework within which authorities must consider options and decide the meeting arrangements which best suit the authority and the communities it serves.
32. As noted in the body of the report, the Council has, in accordance with the statutory guidance, adopted a Multi-Location Meetings Policy, **Appendix A** to the report, setting out the detailed arrangements made for the operation of its multi-location meetings.
33. In considering this matter, the Council must have regard to its public sector equality duties under the Equality Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties, Councils must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. The Protected characteristics are: age, gender reassignment, sex, race – including ethnic or national origin, colour or nationality, disability, pregnancy and maternity, marriage and civil partnership, sexual orientation, religion or belief – including lack of belief. When taking strategic decisions, the Council also has a statutory duty to have due regard to the need to reduce inequalities of outcome resulting from socio-economic disadvantage ('the Socio-Economic Duty' imposed under section 1 of the Equality Act 2010). In considering this, the Council must take into account the statutory guidance issued by the Welsh Ministers and must be able to demonstrate how it has discharged its duty.
34. The Council must also be mindful of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards and consider the impact of its arrangements upon the Welsh language.

35. The Well-being of Future Generations (Wales) Act 2015 requires the Council to consider how its proposals will contribute towards meeting its well being objectives (set out in the Corporate Plan). Members must also be satisfied that the proposals comply with the sustainable development principle, which requires that the needs of the present are met without compromising the ability of future generations to meet their own needs.
36. Other relevant legal implications are set out in the body of the report.

RECOMMENDATIONS

37. The Democratic Services Committee is recommended to note the content of the report and the actions that are being taken to improve the use of the council's multi-location meetings.

GARY JONES

Head of Democratic Services

7 November 2023

Appendix A [Multi-Location Meetings Policy](#) - Cardiff Council 2022

Background Papers:

[Decision - Multi-Location Meetings Policy reports to Cabinet dated 10 March 2022](#)

[Multi-Location Meeting Conferencing System Update](#) report to the Democratic Services Committee dated 28 November 2022

[Statutory and Non-Statutory Guidance for Principal Councils in Wales – supporting provisions within the Local Government Act 2000, the Local Government \(Wales\) Measure 2011 and the Local Government and Elections \(Wales\) Act](#)

Multi-Location Meetings Policy



Cardiff Council 2022

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Overview

Background

1. Arrangements were first made to progress “remote meetings” in the Local Government (Wales) Measure 2011, however this required at least 30% of the attendees to be in attendance in person and was rarely used. At the outset of the coronavirus pandemic in March 2020, the Welsh Government introduced the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 which established a framework for Councils to convene remote meetings for all attendees throughout 2020 and part of 2021.
2. With the implementation of “The Local Government and Elections (Wales) Act 2021 the Welsh Government has provided Councils the power and freedom to convene multi-location meetings which will enable greater accessibility and public participation in local government decision making.

Local Authority Meetings

3. In accordance with the 2021 Act this Multi-locations Meeting Policy will apply to all meetings of:
 - a. The Council
 - b. The Executive (Cabinet)
 - c. A joint committee of two or more local authorities
 - d. A committee or sub-committee of a. – c. above.
4. This policy does not cover:
 - a. meetings of other public bodies
 - b. public meetings or any other meeting bodies (including councils) of public meetings any or other meetings organised by the Council or another organisation.
 - c. Corporate Joint Committees (CJCs) or community councils meetings, on which separate guidance is being prepared by Welsh Government.
5. Formal meetings of the Council or its committees are convened in accordance with the relevant legislative requirements for those meetings. These meetings are usually held to make formal decisions or recommendations and are often held in public. Notice of these meetings is published in advance on the Council’s website and includes information about the location, timing and business to be conducted. Previously these meetings would have been held with all participants being in physical attendance at a single venue.

Legal Requirements

6. Under the Local Government and Elections (Wales) Act 2021 (‘the 2021 Act’), Part 3, Chapter 4, local authorities are required to:
 - a. Broadcast full Council meetings (with effect from May 2022).
 - b. Make and publish arrangements to ensure that all Council, Cabinet, Committee and Joint Committee meetings may be attended remotely (i.e. enabling

persons who are not in the same place to attend the meeting) – also referred to as ‘multi-location meetings’.

- Meetings must be capable of being held virtually, but each authority must decide whether their meetings will be held fully virtually, partially virtually (where some participants are in the same physical location, whilst others join the meeting virtually, also referred to as ‘hybrid meetings’) or as physical meetings (although authorities may **not** mandate physical attendance at meetings).
 - Meeting participants must be able to speak to and hear each other; and for meetings which are required to be broadcast (i.e.. full Council meetings), participants must also be able to see and be seen by each other.
 - These requirements took effect from May 2021, when the temporary provisions for remote attendance at meetings made under the Coronavirus Meeting Regulations 2020 ended.
- c. Publish all meeting documents on the Council’s website, including notices, summonses, agendas, reports and background papers (with effect from May 2021).
- A note of the meeting, including Members in attendance and decisions made, must be published within 7 working days of the meeting.
 - Notice of meetings is no longer required to be posted at the Council’s offices. However, copies of agendas and reports must be made available for the public if meetings are held physically.
 - The Council is also required to make public access provision for members of the public who cannot access electronic documents, for example, by providing access to computers, copies of documents, or making documents available for inspection.
7. When considering arrangements for remote attendance or ‘multi-location meetings’, authorities must have regard to the statutory guidance issued by the Welsh Ministers: [Interim statutory guidance on multi-location meetings \(gov.wales\)](#)
8. Section 2 of the statutory guidance sets out a number of general principles to guide authorities when developing their meeting arrangements, namely, transparency, accessibility, good conduct, Welsh language, local needs and future generations. This sets the framework within which authorities must consider options and decide the meeting arrangements which best suit the authority and the communities it serves.
9. The guidance also confirms that the meeting arrangements should be reflected in the procedure rules set out in the constitution.

Policy on Multi-Location Meetings

10. Alongside the legally mandated arrangements that authorities must make for multi-location meetings, the statutory guidance says that authorities should develop a wider policy setting out the detailed systems chosen by the authority for the operation of its multi-location meetings.
11. This policy is intended to clarify the arrangements of Multi-Locations meetings for:
 - a. Participants in meetings convened by the Council;
 - b. Officers providing support to formal meetings
 - c. Officers with adjacent responsibilities – for example, those responsible for drafting and clearing reports, attending meetings to present reports to members and officers with supervisory responsibilities on governance matters;
 - d. Anyone with an interest in the way in which the business of this authority is conducted
12. This policy will initially be reviewed after 12 months after implementation and subsequently on an “as required” basis.
13. In addition, separate detailed guidance is provided as follows:
 - a. Guidance for Council Participants and Observers
 - b. Guidance for Public Participants and Observers
 - c. Guidance for Chairs

What are Multi-Location Meetings?

14. Multi-location meetings which may have been described previously as “remote” or “hybrid” meetings are meetings of the Council or its committees whose participants are not all in the same physical place. This may include:
 - all participants are in the same physical location except one individual who joins from another location, with a physical public gallery being provided;
 - a roughly equal number of members are present in one physical space compared with those joining through remote means;
 - all members are joining through remote means but nonetheless a physical public gallery has been made available in a Council venue
 - a meeting taking place wholly through remote means where no physical meeting arrangements have been made.
15. Multi-location meetings offer this Council an opportunity to raise its profile in the community and to bring its work directly into people’s homes. Evidence from the remote meetings held during the pandemic shows that public access to multi-location meetings is likely to be significantly higher than the level of audiences of formal meetings when all meetings were held physically in a single location.

Participation at a meeting

16. A “participant” of a multi-location meeting is defined in the statutory guidance as a person who takes an active part in that meeting. They might be an Elected Member,

a person giving evidence to a committee as a witness, an appellant or claimant on a regulatory matter, someone presenting a petition, or taking part formally in another way.

Observing a meeting

17. An “observer” of a multi-location meeting is defined in the statutory guidance as a member of an audience, or otherwise spectating, a multi-location meeting. They might be in the same room that a meeting is taking place or they might be observing by remote means.

The benefits of multi-location meetings

18. Cardiff Council has been convening its meetings by remote means throughout much of 2020 and 2021. While meeting this way has proven to be initially challenging, it has also resulted in a number of benefits:
 - a. Enhancing and supporting local democracy by demonstrating this Council conducting its business.
 - b. Making it easier for the public to observe multi-location meetings.
 - c. Enabling external participants to actively engage in meetings to provide a greater range of views and to enhance decision making.
 - d. Making the Council more resilient and sustainable.
The Wellbeing of Future Generations (Wales) Act 2015 requires relevant authorities to think about, and act on, long term needs in the way that policy is developed and made. Multi-location meetings reduce the carbon footprint of physical meetings (although digital activity is not of course carbon-neutral). They can also help relevant authorities to reduce the risk of future unexpected events – such as extreme weather – which could in future present a challenge to in-person meetings.
 - e. Reducing the need for travel. Significant time and cost savings for councillors, officers and other participants have arisen, particularly for joint bodies.
 - f. It is easier for participants to take part if they have professional and caring commitments.
 - g. Better support for members from diverse backgrounds, by multi-location meetings making it easier for care providers, or disabled people, or people with other protected characteristics, to engage on an equal footing.
 - h. Better behaviours. Although experiences have been mixed, on the whole meeting management and the behaviours of participants have both improved, with less heckling taking place at meetings.

The challenges of multi-location meetings

19. There have been a number of significant challenges which need to be addressed to support multi-location meetings, which include:
 - a. Suitable technology – before 2020, there was little or no technology other than basic video conferencing and webcasting. The rapid development of remote working technology during the coronavirus pandemic made basic remote meetings possible. The complexity of equipment and software necessary to deliver public multi-location meetings requires a significant further step-change in technology.

- b. Reliance on the internet – Participants involved in remote meetings are reliant on having a suitable internet connection to join and maintain their presence in this type of meeting.
- c. Fully remote meetings are not accessible to those individuals and communities who are considered as digitally excluded. The provision of multi-location meetings offers an opportunity of equality of access to all.
- d. Cultural change – significant progress was made by the authority its Elected Members and public participants in adapting to remote meetings during the coronavirus pandemic. The development of multi-location meetings provides a significant cultural challenge from the existing processes for all those involved in the decision-making processes of the Council.
- e. Accessibility and Security – the wide scale accessibility requirements of multi-location meetings facilities also needs to address the security of information and of meetings particularly when meetings can be recorded and broadcast.
- f. Involvement and participation – The level of interest in local government decision-making is low and usually limited to those issues which have a specific personal impact. Whilst the pandemic provided an opportunity to increase the level of observers at meetings it is uncertain whether this will continue as the pandemic eases. Encouraging the public to become involved in the wider decision-making issues facing the Council will be an ongoing challenge.

The Meeting Environment in Cardiff

Physical Venues

20. Currently, the Council has a number of venues for its formal meetings with Committee Room 4 in County Hall having a limited multi-location meeting capability. The implementation of the Council’s new conferencing system will address the existing limitations in Committee Room 4 and provide three venues with the ability to fully support multi-location meetings:
- a. Council Chamber - City Hall
 - b. Council Chamber - County Hall
 - c. Committee Room 4 - County Hall

The Technological Requirements

21. The delivery of multi-location meetings requires the provision of equipment and facilities to be enable those involved to participate or observe meetings as identified below:

Control Systems

22. Any multi-location meeting will be facilitated by Democratic Services or Cabinet Office who will use the control systems to ensure that the full range of meeting facilities and functionality can be co-ordinated and integrated for all participants and observers to deliver effective meeting support. The control systems will provide and co-ordinate cameras, audio inputs and outputs, simultaneous translation, speaker queues, electronic voting, integration with the Council webcasting provider and to support participants and observers.

23. The following ICT equipment is required:

Physical Participants and Observers

- Microphones to enable other participants and observers to hear the meeting proceedings, initiate a request to speak, support electronic voting and enable access to simultaneous translation facilities
- Appropriate cameras to show other participants and observers when the individual speaking
- Display screens to enable those physically participating/observing to see those attending remotely.
- Simultaneous translation equipment
- Audio enhancement and hard of hearing support without compromising the audio quality of the remote attendees.

Remote Participants

- A suitable ICT device with camera and microphone facilities
- Suitable access to the internet.
- Relevant software which is publicly available to support remote attendance at meetings.

Remote Observers

- A suitable ICT device with an audio output and ideally a visual display
- Internet access to view the Council's webcasting website. [Home - Cardiff Council Webcasting \(public-i.tv\)](#)

24. The rapidly evolution and improvement of technological development in software, equipment and the provision of appropriate security measures require regular review to ensure the ease of provision and accessibility. This will need to be budgeted for as part of the cost of democracy.

Determining the type of Meeting

25. The Welsh Government guidance identifies that the needs of local democracy, and the needs of the public in engaging with multi-location meetings, are a paramount consideration in deciding where and when meetings will be convened partially or wholly by remote means. The overriding intention of the Act is to help the public to be able to access and engage with local democratic systems. The convenience of participants and the efficient operation of relevant authorities themselves is important but the needs of the public will come first and a balance has to be achieved with the physical and remote element of meetings when decisions are being made.
26. In addition to Council and Cabinet meetings the Council has in the region of 23 committees and sub-committees which support its statutory, regulatory and governance arrangements. There are also two joint committees which involve by a number of other Local Authorities and which are administered by Cardiff Council.

27. Physical meetings should not be seen as representing the “gold standard” with multi-location meetings being second best. Physical meetings may be convenient and effective for those who are digitally excluded or most familiar with and comfortable with how they work – but they may also be inaccessible and impractical to many.

Predominantly Remote Meetings

28. The Glamorgan Archive and the Prosiect Gwyrdd Joint Committees have representatives from up to five other Local Authorities across South Wales. Given the challenges of travelling significant distances across the region and the need to ensure maximum participation, these meetings and other Joint Committees supported by the authority will primarily be held as fully remote meetings.
29. With appropriate facilities in other local authority venues, multi-location meetings may enable some participants to attend physically in venues in or near their own area whilst the remaining participants attend remotely. This does not preclude a number of participants from differing local authorities meeting remotely at a mutually agreed location where this is seen as beneficial for those participants or the decision-making process.
30. This type of arrangement may also be suitable for those meetings which require participants to travel across the city at peak periods to attend meetings outside of normal working hours such as the Local Authority Governor Panel.

Multi-location meetings

31. All meetings must be able to operate as multi-location meetings to ensure that participants, as defined above are able to attend remotely. This includes meetings of the following:
- Council
 - Cabinet
 - Constitution Committee
 - Corporate Parenting Advisory Committee
 - Democratic Services Committee
 - Employment Conditions Committee
 - Governance and Audit Committee
 - Pensions Committee
 - Standards & Ethics Committee
 - Children and Young People Scrutiny Committee
 - Community & Adult Services Scrutiny Committee
 - Economy & Culture Scrutiny Committee
 - Environmental Scrutiny Committee
 - Policy Review and Performance Scrutiny Committee
 - Licensing Committee
 - Planning Committee
 - Public Protection Committee
32. Experience has identified that some meetings may be better suited to having a higher level of physical attendance. The following are considered to be those multi-location meetings where additional flexibility is needed due to the sensitive nature of these meetings and how they could potentially impact the livelihoods of those participants other than the Council representatives in attendance. However, this

does not preclude some or all participants attending these meetings remotely if they wish or if there are overriding reasons for doing so. These include:

- Appointments Committees
- Council Appeals Committee
- Licensing Sub Committee
- Public Protection Sub Committee
- Standard and Ethics Sub Committee (Hearings Panel)

Use of Cameras

33. The Law requires participants of meetings that are broadcast to be able to “speak to and be heard by each other” and “to see and be seen by each other”. The ability to see and be seen predominantly applies when a participant is speaking, although for some meetings, participants attending remotely may also be required to ensure that their cameras remain on for the duration of the meeting, for example, quasi-judicial meetings such as Planning Committee. For other meetings the Chair may use their discretion whether participants are to keep their cameras on when not speaking.
34. There are occasions when a remote participant may need to disable their camera to stabilise their connection to the meeting due to internet issues or because they have been temporarily interrupted by events at their location. If this occurs the participant should use the chat function to inform the meeting Chair and democratic services staff

Health and Safety of Participants and Observers

35. Attendance at multi-location meetings may require participants and observers to use of display screen equipment or to be seated for extended periods of time. To negate any adverse impacts from attending multi-location meetings remotely, participants will be requested to undertake a Display Screen Equipment (DSE) self-assessment particularly where they are expected to be in attendance at meetings for over 2 hours, to ensure that the configuration of their equipment meets health and safety requirements.
36. It is recommended that a break away from the screen of 5-10 minutes should be taken after 1 hour of continuous display screen use or a longer break after 2 hours of continuous screen use. The Chair should consider the need for appropriate breaks as part the agenda management arrangements of the meeting.

Establishing the Calendar of Meetings

37. To provide clarity and transparency for participants and observers of council meetings a programme of meeting is developed annually which identifies when, where and how each of the Council’s meetings will be held. This is subject to change during the year for operational reasons+.
38. The programme of meetings will avoid wherever possible scheduling meetings to be held simultaneously or immediately following another meeting. If this cannot be

avoided the relevant Chairs will be consulted and one of the meetings will be undertaken as a fully remote meeting.

The Survey of Meeting Timings

39. After each local election each committee or decision-making body has the opportunity to determine the most suitable day and time for their meetings to take place. This is also an opportunity for each committee to collectively agree the number of their meetings which are to be held predominantly physically or predominantly remotely or multi-location, with provision for physical attendance during each municipal year. This may be based purely on a percentage of all scheduled meetings or reflect the view that physical attendance for particular topic i.e. Budget meetings which may benefit from a more fluid flow of debate. However, the Council may not mandate that any or all participants attend meetings physically. Meeting participants must be able to attend remotely if they wish to do so.
40. This determination will be reflected in the Council's programme of meetings and published on the Council's website. Where committee meetings are identified as primarily physical in the programme of meetings, this does not prevent committee members from attending meetings remotely.

Attendance at Meetings

Elected Member and Council Officer Participants

41. Invitations to meetings will be provided electronically using Microsoft Outlook or the relevant meeting software. The invitation will provide details of the meeting, its location and timings. It will also include links to enable the participants to join remotely should they wish to do so. On receipt of the invitation, participants will be requested to indicate their intentions to attend the meeting physically or remotely to enable any necessary administrative and support arrangements to be put in place by Democratic Services and the Cabinet Office.

Remote Participants

42. Those participants considering attending the meeting remotely should also ensure that they have appropriate internet connectivity to join and maintain their attendance throughout the meeting. When joining remotely from a previously unused location, participants are requested to inform Democratic Services and a test meeting will be established to confirm the level of connectivity in readiness for the formal meeting.

Physical Attendance

43. All committee members are encouraged to physically attend at least one meeting of each committee or decision-making body to which they are appointed during each municipal year.
44. Although physical attendance of participants cannot be mandated, there is no restriction for participants on their own volition, determining to physically attend any or all meetings.

45. The technological requirements for physical meetings will limit the available meeting venues to the City Hall Council Chamber, the County Hall Council Chamber and County Hall Committee Room 4. Following successful implementation of the Council's new conferencing system a further procurement may be undertaken to enable other venues to be utilised with a fully portable camera and display systems which can be used in tandem with the existing conferencing facilities.
46. On occasions due to physical space, technological issues or specific requirements such as socially distancing rules, the number of physical attendees who may be present at each meeting may be limited. Where this is necessary the Chair of the meeting together with essential officer support for the Chair, multi-location meeting broadcasts and simultaneous translation staff are given priority for attendance. Priority consideration will also need to be given to external participants at non-executive meetings, who may also need to attend the physical meeting in order to participate before any remaining spaces are allocated to the political groups in accordance with political balance. The political groups are expected to give priority to any members who have difficulties joining a meeting remotely.
47. Member Development and other informal opportunities to facilitate physical meetings of committee members may be used to promote good practice, develop working relationships and to mitigate any adverse impact of remote attendance at formal meetings.

Attendance of other participants

48. Meetings are also attended by a range of participants other than committee members. These include invitees, witnesses, officers providing technical or other support for example, Principal Scrutiny Officers, external experts and members of the public asking questions in accordance with the Council Procedure Rules.
49. Once the need for additional participants including members of the public (where appropriate) is identified by service area or support officers, they will inform Democratic Services of the details and contact information of the participant. The external participants will be contacted by Democratic Services to confirm their attendance, explain how they can join the meeting either as a physical or remote participant and the meeting procedures. If the external participant is joining the meeting remotely an electronic meeting invitation similar to that of other participants will be sent. They will also be offered the opportunity of a test meeting to familiarise themselves with the technology and the arrangements that are in place.

Recording and broadcasting of meetings by observers

50. Members of the public are permitted to photograph, film or record Councillors and officers and use social media at any Council meetings that are open to the public and press, as long as:
 - Notice has been given (on the meeting agenda and signage outside the meeting) so that everyone attending the meeting is made aware that they may be recorded and that by attending the meeting they are deemed to consent to this;

- The recording or transmission must create no disturbance disruption or distraction to the good order and conduct of the meeting;
- Any recording must be overt, not covert;
- There is to be no recording or transmission of proceedings dealing with any exempt or confidential information;
- The Chair shall have discretion, subject to proper consideration of any relevant representations and legal advice, to prohibit a recording or exclude anyone reasonably considered to be in breach of these rules; and
- The person making the recording or transmission shall be solely responsible for complying with all applicable legal obligations arising from their actions

[\[Council's Access to Information Procedure Rules, Rule 4A\]](#)

51. The Council also permits photography and social media reporting of all its public meetings.

Record of Attendance

52. The attendance of each committee member and participant will be recorded by the Democratic Services or Cabinet Officer(s) supporting the committee. This will be achieved by recording attendance on a sign in sheet or using the attendance record from the remote meeting software to confirm attendance at the meeting. These records will be combined and added into the minutes of the meeting before being published on the Council's website.
53. Committee Members are to inform the relevant Democratic Services or Cabinet Support Officers if they are unable to attend a meeting and their apologies will be recorded: at the meeting, in the minutes of the meeting and published on the Council's website.

Observing Meetings

Webcast meetings

54. The main purpose of webcasting is to aid transparency, governance and accountability by giving members of the public, elected members, officers and other interested parties the opportunity to observe meetings without having to attend in person and for the Council to have an official audio and visual record of its decision-making process.
55. The following formal meetings of the Council will either be webcast by being streamed live or recorded for subsequent upload to the Council's webcasting website within 48 hours of the end of the meeting.
- Council
 - Cabinet
 - Planning Committee
 - Governance and Audit Committee
 - All Scrutiny Committee meetings
 - Standards and Ethics Committee

56. A total of 200 hours is available annually for webcasting meetings and the total usage will be monitored by Democratic Services Officers. Where resources allow, other meetings can be streamed live or recorded for subsequent upload to the Council webcasting webpages, if it is considered by the Chair that the meeting or items being considered at that meeting are of significant public interest.
57. Webcasting does not replace the formal record of the meeting and the decisions taken, which are published on the Council website in the form of minutes or decision records and retained in hard copy in accordance with the Council's retention policy.
58. A [webcasting protocol is included in Part 5 Of the Council's Constitution](#) which serves to:
- Ensure compliance with the Council's obligations under the Data Protection Act 2018 and the Human Rights Act 1998.
 - Specify the notifications to be given about webcasting in agenda packs, for public speakers and observers and at the start of each meeting being streamed or recorded
 - Ensure that appropriate signage is provided at physical meeting venues to make clear that recording is taking place.
 - Provide the Chair with the discretion to terminate or suspend the webcast in appropriate circumstances
 - Safeguard that no exempt or confidential agenda items will be webcast.
 - Confirm the availability of webcasts to be viewed on the Council's website and subsequently stored in accordance with the Council's records management procedures.
 - Provide for the removal of webcasts or parts of webcasts by the Monitoring Office, if necessary.

Physical Attendance of Observers at Multi-location Meetings

59. Observers will also be able to attend the physical element of meetings from the public gallery in each of the primary locations.

Physical attendance of observers for Remote Meetings

60. To enable those observers who do not have access to the internet to view either fully remote or non-webcast meetings, they may request to attend a public viewing of that meeting. For viewing a fully remote meeting this will require a request to be submitted 2 clear working days prior to the remote meeting to enable arrangements to be made in Committee Room 4 or another suitable location in County Hall for the viewing.

Online Meeting Platforms

61. The Council will continue to use Microsoft Teams as its primary remote meeting platform until the implementation of the Council's new conferencing system. This platform should only be used by Elected Members from their Council provided devices to maintain the effective security of its meetings. Non-Council devices may be used by prior arrangement with Democratic Services and Cabinet Officers, although the functionality available when using these "guest" devices may differ from that provided by the Council's devices.

62. Council participants using other devices rather than their Council provided devices presents security concerns, because: this does not allow them to be identified as an official attendee; they will be required to use the lobby when they join a meeting; it creates uncertainty for officers when admitting unknown or unfamiliar participants to the meeting from the lobby, as other devices do not have access to the Council's network security infrastructure.
63. Other participants are able to join meetings using links contained within the meeting invitation which is circulated to all participants.
64. For facilitating dual language meetings Zoom can be used instead of Teams for our formal meetings when a request to speak Welsh is made in advance of a meeting.
65. The Council's conferencing system will include multi-location meeting software which will support simultaneous translation and provide additional meeting functionality. Further detailed guidance is available for Council and Public Participants.

Publication of meeting information

Public information

66. The production and publication of the Programme of Meetings, public agenda, reports, decision records and minutes are facilitated by the Council's committee administration software [Civica-Modern.gov](https://www.civica-modern.gov). Meeting participants are sent an email which includes links to the electronic agenda pack at least three clear working days prior to a meeting.
67. The software enables the Council to publish public information to its English and Welsh webpages for the public to view. The public are also able to [subscribe to updates](#) on the [Councillors and Meetings](#) webpages and identify any specific meetings or topics which they have an interest in. Once registered, the Modern.gov system will automatically provide electronic updates when new information is published on the website.
68. Modern.gov is also available to download as an app from the [App store](#), [Google Play](#) and [Microsoft Store](#) which allows participants, observers and members of the public to view the Council's meeting information. The Modern.gov app provides a paperless facility which enables participants to annotate their meeting document during their preparation for a meeting.
69. For those participants with an identified need or to provide ease of reading for more complex documents, hard copies can be provided with prior arrangement with either Democratic Services or Cabinet Support Officers as necessary.

Non Public Information

70. The law provides that some information may not be made publicly available and this is known as exempt or confidential information. When this type of information is considered at a formal meeting the documents are published on the Council's intranet and are only available to those entitled to view them. The publication of these documents is also supported by the Modern.gov app but participants will be

required to register the device they intend to use for viewing these documents with Democratic Services. Successful registration of a device will provide access to the Councils "private" modern.gov network but will still limit the availability of the information to those entitled to view it.

Consideration of exempt or confidential information at meetings.

71. When exempt or confidential information is to be considered at a formal meeting, wherever possible, the agenda will schedule those items at the end of the meeting, so as to minimise any inconvenience to observers who will be required to leave the meeting at that point.
72. Agenda items which contain public information, and which are not fully exempt or confidential can be considered in a public environment. Should any participant wish to refer to the exempt or confidential information the Chair must be informed, and the meeting should exclude the press and public before continuing.
73. When an exempt or confidential item is planned to be considered the following options may be used to ensure that the information, is not shared with anyone other than those entitled to receive it:
 - a. an additional "private" remote meeting can be established by Democratic Services which will only include participants entitled to consider the exempt information. When the meeting moves into exempt session the entitled participants will leave the public meeting and join the private meeting, leaving the remainder of the participants in the public remote meeting.
 - b. request that those not entitled to consider the exempt information leave the public remote meeting or be moved to the "virtual" lobby whilst the exempt information is considered.
74. The meeting recording and webcast will be paused and a notification that the meeting is not currently open to the public will be displayed on the broadcast. In the physical part of the meeting any observers will be requested to leave the room whilst the exempt item is considered.
75. When consideration of the exempt information has been completed, if there are further public items to be considered, all remote participants will be invited to re-join the public remote meeting and the recording and webcast will be resumed. The observers or participants attending the physical meeting will be invited to return into the meeting venue.

Access and Participation at meetings

76. When elected or appointed to a committee or decision-making body, participants who are elected members will be able to use their Council issued ICT devices to receive meeting information and which will have remote meeting software installed. Other committee members will be offered Council ICT devices but may be able to use their own devices where appropriate.

Training and induction

77. Committee Members will be provided with an appropriate induction to enable them to actively participate at meetings. The induction will include the use of the software for joining remote meetings, meetings procedures for joining and participating in physical and remote meetings, an understanding of the Code of Conduct requirements and the Council's decision-making process and any committee specific procedures.
78. Training for certain committee members is mandatory due to the requirements of the role, as confirmed in the Council's Constitution or the committee's terms of reference.

Officer Support at meetings

79. Primary support for multi-location meeting will be provided by Democratic Services and the Cabinet Office. This will include the:
 - "Organiser" who will circulate the meeting appointment which will include a link to enable participants to join remotely. The organiser will also monitor the remote participants and assist them to join or re-join the remote meeting.
 - "Clerk" who will support the meeting, facilitate any voting and take the minutes
 - "Recording controller" will facilitate the live streaming of the meeting or the recording and subsequent upload of the meeting to the Council's webcasting webpage.
 - For larger or more technical meetings an additional Democratic Services Officer will support the other Democratic Services or Cabinet officers as necessary during the meeting.
 - Technical support and advice may also be provided at the meeting by other specialist officers, for example, Legal, Planning, Scrutiny or Licensing Officers who can assist the Chair, participants and observers at meetings. The officer support for meetings should follow the arrangements for other participants and may be provided remotely or by physical attendance. Consultation between the relevant officers, their managers and the Chair will be necessary to ensure that appropriate service delivery and support requirements are met.
80. Additional support may be also provided by ICT Officers to ensure that the technology used during meetings operates effectively and that the meeting can be progressed as planned.

Voting at Meetings

81. The voting rule are set out in the relevant procedure rules in the Council's Constitution.

Seeking Consensus

82. To negate the need for a formal vote, the Chair may seek a consensus from the meeting participants. The chair will state the recommendation and request that participants confirm if they have any objections to the recommendation(s) and that they indicate any objection either verbally or by using the chat function in Teams accordingly. The Chair will wait approximately 30 seconds to allow participants to

indicate their objection and if none are received the recommendations may be considered as carried. If however, there are objections the Chair shall initiate a vote.

Method of Voting

83. In a physical meeting voting will be carried out electronically and the names of those voting for, against or abstaining from voting will be recorded electronically.

A Roll-Call vote

84. The roll call vote requires the Clerk to ask each participant individually if they are for or against the recommendation or if they wish to abstain from the vote. If a participant cannot be contacted to provide their vote, the clerk will continue with the roll-call vote and return to those participants who have not responded after an attempt to contact all participants has been made. If the participant cannot be contacted after a second attempt to provide their vote and there is a quorum in attendance at the meeting the participant shall be recorded as not in attendance.
85. Responses are recorded and when all of the participants in attendance have indicated their vote, the Clerk will then collate the responses and inform the Chair of the outcome of the vote.
86. The Chair will announce the outcome of the vote to the meeting and a summary of the vote shall be pasted into the chat facility in Teams to inform the meeting participants of the details of the vote.

Chairing meetings

87. Chairing a multi-location meeting is very different to chairing a face-to-face meeting and the Chair will be supported to carry out their role as outlined in the Officer Support at meetings section above. The role of the Chair is particularly challenging at a physical meeting with some participants joining remotely. The "balance" between individuals in a room, and those joining by remote means, will have a significant effect on how business will be transacted.
88. Chairs have a particular responsibility to prepare for a multi-location meeting, in a more planned and directed way than might be necessary for a physical meeting. This may involve the Chair consulting with officers, committee members and participants in advance of a meeting.
89. Separate guidance will be provided for Committee Chairs which will be made available on the Council's intranet.

Chat Function use by Remote Participants

90. The chat function provides a simple method of enabling the chair to manage the meeting and to enable the remote participants to communicate with the chair. Remote participants should only use the Chat facility to indicate the following:
 - Speak – When the remote participant wishes to speak

- Declaration – to advise the Chair that the remote participant wishes to make a declaration of interest other than under the Declarations of interest item on the agenda.
- Point of Order – to notify the Chair that a remote participant has a Point of Order to make. The Chair should invite the participant to speak at the earliest opportunity.
- Explanation - to notify the Chair that a remote participant has a Point of Personal Explanation to make. The Chair should invite the participant to speak at the earliest opportunity.

The “Chat” facility is only to be used for communicating with the Chair and is not to be used for offline discussions with other participants during the meeting.

Associated Documents:

- Guidelines for Public Participants and Observers of Multi-location Meetings
- Guidelines for Council Participants and Observers at Multi-location Meetings
- Guidelines for Chairing Multi-location Meetings

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REPORT OF THE HEAD OF DEMOCRATIC SERVICES

MEMBER DEVELOPMENT UPDATE

Reason for this Report

1. The purpose of this report is for:
 - a. the Democratic Services Committee to note the Member development activities for the remainder of 2023-24.
 - b. Recommend to Council that:
 - immediate amendments be made to the Elected Member Learning and Development Strategy relating to Mandatory Training
 - a review of the Elected Member Learning and Development Strategy be undertaken in 2024.
 - any outstanding mandatory training identified as part of the Member Induction be completed within 6 months of 25 June 2023 (when Council approved the amendment of the Members' Code of Conduct to provide that councillors must undertake all training designated by the Council as mandatory to enable you to properly discharge your duties, within 6 months from the date on which the mandatory training is first made available unless (i) you can provide evidence of having attended equivalent and up to date training; or (ii) you have reasonable excuse for requiring an extension of time, which, in either case, should be agreed in advance with the Head of Democratic Services).

Background

Role of the Democratic Services Committee

2. The Local Government (Wales) Measure 2011, Part 1, Chapter 2, <https://www.legislation.gov.uk/mwa/2011/4/part/1/chapter/2> requires local authorities to appoint a Democratic Services Committee to oversee the Democratic Services functions of the Council, ensure that the work is adequately resourced and report to the full Council accordingly. The Democratic Services functions include Members' Services, Committee Services and Scrutiny Services, but not Cabinet Support Services.

Issues

Completed Learning:

3. The following Member Development sessions have been held since the previous meeting of the Committee in February 2023 and the attendance details included for information:

| Serial | Date | Topic | Numbers Attended | Total % Attended |
|--------|-------------------------------------|---|------------------|------------------|
| 1. | E-Learning | Safeguarding (Mandatory) | 22 | 97.47% (77) |
| 3. | E-Learning | Corporate Parenting (Mandatory) | 10 | 97.47% (77) |
| 4. | E-Learning | Information Governance and Data Protection (Mandatory) | 50 | 97.47% (77) |
| 5. | E-Learning | Supporting Equality in Cardiff's Diverse Communities (Mandatory) | 14 | 96.20% (76) |
| 6. | 20 Jul 23 | What Councillors need to know (Mandatory) | 1 | 100.00% (79) |
| 7. | 30 Jan 23 03 Feb 23 08 Feb 23 | Civil Parking Enforcement | 16 8 13 | 46.84% (37) |
| 8. | 31 Jan 23 | Governance and Audit Committee – Treasury Management | 8 | 66.67% (8) |
| 9. | 21 Feb 23 | Elections Act 2022 | 19 | 24.05% (24) |
| 10. | 23 Feb 23 | The Budget Process | 20 | 25.32% (20) |
| 11. | 23 Mar 23 29 Mar 23 | MES Update | 20 | 25.32% (20) |
| 12. | 26 Apr 23 | Introduction to Rights of a Child | 3 | 46.84% (37) |
| 13. | 30 Jan 23 22 Jun 23 27 Jun 23 | Corporate Dashboard | 4 18 3 | 31.65% (25) |
| 14. | 21 Jun 23 | Governance and Audit Committee – The Council's planning and performance framework | 5 | 41.67% (5) |
| 15. | 24 Jul 23 | Replacement Local Development Plan (RLDP) Consultation Briefing | 22 | 27.85% (22) |
| 16. | 11 Sep 23 | Fast Track Cities - Cardiff and the Vale | 10 | 12.66% (10) |

Note:

The total % Attended column reflects the percentage of all current Elected Members who have completed the topic with the number who have completed the training in brackets

Scheduled Learning

4. The following learning opportunities were previously added to the Member Development Programme and work has been undertaken with providers to deliver the sessions as follows:

a. Hate Crime Awareness Session for Councillors

This will be a 90-minute session delivered by the Victim Support Hate Crime Team and the Regional Community Cohesion Coordinator. During the session members will be informed how the legislation defines Hate Crime, how to report incidents and the barriers to reporting, the support available to victims, the local perspective on hate crimes and the Cardiff Hate related graffiti reporting process.

The following dates have been provisionally proposed to hold one session on MS Teams.

Thursday 23-Nov-23 17:00 - 18:30
 Wednesday 29-Nov-23 17:00 - 18:30

This module has been categorised as beneficial and will be advertised for Elected members once the dates have been confirmed.

| <i>Requirement</i> | <i>Newly Elected Members</i> | <i>Experienced Members</i> | <i>Committee Members</i> | <i>Executive Members / Chairpersons / Group Spokesperson</i> |
|---------------------------------|------------------------------|----------------------------|--------------------------|--|
| <i>Service Area / provision</i> | <i>Beneficial</i> | <i>Beneficial</i> | <i>Beneficial</i> | <i>Beneficial</i> |

Planned Learning:

5. The following learning and development topics were agreed for delivery at previous Committee meetings and work is ongoing to schedule these activities.

a. Age Friendly Cardiff Awareness Sessions

Cardiff became the first Local Authority to be accepted by the World Health Organisation (WHO) as members of the Global Network for Age Friendly Cities and Communities in March 2022. The ambition of a Cardiff is to be a great place to grow older. This session will describe the good work that has been undertaken and to enable Elected Members to share age friendly information with their communities.

b. South Wales Fire and Rescue Service (SWFRS)

A one hour briefing on the SWFRS from the Chair of the Fire Authority, Chief Fire Officer and Treasurer of the SWFR Authority showcasing what the Fire and Rescue Service provides to communities and will include a question-and-answer session.

c. Biodiversity and Natural Resources

This “beneficial” session was identified from a scrutiny recommendation and initial discussions with the Head of Planning to support the use of external

facilitators Natural Resources Wales and Wildlife Trust to support the wider requirements of this topic.

Delivery of this topic has been deferred due to prioritisation of the consultation for the latest phase of the RLDP and will be scheduled as soon as practicably possible.

d. Social Housing and Section 106

This “beneficial” session relating to Section 106 of the Town and Country Planning Act 1990 allows a local planning authority, to enter into a legally-binding agreement or planning obligation with a landowner as part of the granting of planning permission. These agreements are used for new developments, and they usually would be the preferred method to secure affordable housing at the site.

Delivery of this topic has been deferred due to prioritisation of the consultation for the latest phase of the RLDP and will be scheduled as soon as practicably possible.

Future Training

Media and Social Media skills

6. The Local Government and Elections (Wales) Act 2021 places new duties on councils to encourage the public to participate in decision making. The social and environmental context in which councillors undertake their roles is constantly changing, new developments in social media, structural change in the way the public services are organised and the way councils interact with individuals and communities.
7. The statutory guidance indicates that the benefits of training in the effective use of social media and the opportunities for better engagement between councillors and the communities they serve. The training should also include the risks of councillors being victimised or harassed by opponents or campaigners overstepping the bounds of reasonable debate and how these issues can be managed.
8. The Council’s draft Participation Strategy is currently being consulted upon. It includes the provision of media and social media training for Elected Members to encourage them to use these facilities to inform and engage with their constituents. The current target date for the delivery of this training is December 2024.
9. To support this objective it is planned to develop a training package which will provide Elected Members with the opportunity to improve their skills and confidence when engaging with the media and on social media and could include:
 - a. Public Speaking & Working with the Media
This E-Learning module is available on the Cardiff Academy and provides and introduction to:
 - the benefits of good communication
 - using different communication channels
 - working with the media

- public speaking

b. Media Skills

- Understand how the media works and what journalists are looking for
- Look and sound confident and credible – voice and body language.
- Be effective at connecting with audiences.
- Seamlessly deliver key messages
- Ways to deal with difficult questions.
- Practical tips for giving an effective and engaging interview.

c. Social media skills

- Which are the right social media platforms for me
- Creating appropriate content
- Managing your social media presence
- The importance of performance measurement – like sharing and followers
- Avoiding or managing the pitfalls – harassment and abuse

10. The committee is requested to identify any additional training content that would benefit their use of media and social media when engaging with their communities.

PREVENT

11. Elected Member workshops to raise awareness of Prevent were offered by the Prevent Team in 2021/2022 on a rolling programme. These workshops will be offered again in 2024/25. A 40 minute E-Learning course plus a range of other useful courses are available on the Home Office webpage and this will be advertised to all Elected Members. These sessions are proposed to be categorised as follows:

| <i>Requirement</i> | <i>Newly Elected Members</i> | <i>Experienced Members</i> | <i>Committee Members</i> | <i>Executive Members / Chairpersons/ Group Spokesperson</i> |
|---------------------------------|------------------------------|----------------------------|--------------------------|---|
| <i>Service Area / provision</i> | <i>Beneficial</i> | <i>Beneficial</i> | <i>Beneficial</i> | <i>Beneficial</i> |

Introduction to Rights of a Child

12. Following a survey undertaken by elected Members as part of the Child Friendly Cities application identified that more training on Children’s Rights. A training session was held on 26 April 2023, but Elected Members can now access an Introduction to Rights of a Child E-Learning Module. This module has been categorised as beneficial and will be advertised for Elected members to in the next few weeks.

| <i>Requirement</i> | <i>Newly Elected Members</i> | <i>Experienced Members</i> | <i>Committee Members</i> | <i>Executive Members / Chairpersons / Group Spokesperson</i> |
|---------------------------------|------------------------------|----------------------------|--------------------------|--|
| <i>Service Area / provision</i> | <i>Beneficial</i> | <i>Beneficial</i> | <i>Beneficial</i> | <i>Beneficial</i> |

Following the successful bid for Cardiff to become the first Child Friendly City in the UK, Members may wish to use this E-Learning module to keep their knowledge up to date.

Welsh Language Courses

13. The following are the introductory Welsh Language Courses available with the Cardiff Academi and all members were advised of these courses in September 2023:

Welsh taster course / half day

- a. This is a virtually delivered half day session with a tutor in a group setting. It can be used to learn some basics for Welsh in a local authority including phrases, pronunciation, common office or reception words, and some very easy conversations focusing on simple but effective communication.

The course offers:

- Learning in a group setting
- More confidence with some very basic phrases
- An opportunity to try out virtual Welsh learning
- Greater confidence with pronouncing names or places
- One part of development in conjunction with other beginners' short courses

Welsh 2-day beginner course

- b. This is a virtually delivered course over four half days or two full days, with a tutor in a group setting. It is similar to the half day course but more in depth. Delegates will learn a series of phrases for different common workplace situations, in particular with customers or service users. Short conversations are also covered such as directing people, providing time, date and location details, and asking how you are.

The course offers:

- Learning in a group setting
- Greater confidence to use phrases in real scenarios
- Greater confidence with pronunciation
- Skills to engage in several simple conversations
- An opportunity to try out virtual learning
- One part of learning in conjunction with other short courses

The following table shows the dates for the training sessions:

| Type of course | Start date | End date | Session dates | Time |
|-------------------------|------------|------------|---------------------------|------------|
| Welsh taster course | 11/09/2023 | 11/09/2023 | One session - 11/09/23 | 12.30-4.00 |
| Welsh taster course | 15/09/2023 | 15/09/2023 | One session - 15/09/23 | 09.30-1.00 |
| Welsh two day beginners | 11/10/2023 | 18/10/2023 | 2 full days: 11/10, 18/10 | 09.30-4.30 |
| Welsh taster course | 22/11/2023 | 22/11/2023 | One session - 22/11/23 | 01.30-4.30 |
| Welsh two day beginners | 29/11/2023 | 06/12/2023 | 2 full days: 29/11, 06/12 | 09.30-4.30 |
| Welsh taster course | 11/12/2023 | 11/12/2023 | One session - 11/12/23 | 10.00-1.30 |

Mandatory Training

14. At the Council meeting on 29 June 2023 a report from the Standards and Ethics Committee was considered which proposed an amendment of the Members' Code of Conduct relating to attendance at mandatory training. The report was approved but queries were raised regarding the completion of the existing mandatory training and that the designation of topics as mandatory training should be determined by full Council.
15. To address these concerns the following actions are proposed for consideration by the Democratic Services Committee prior to a recommendation being made to Council for approval that.
 - a. The existing Elected Member Learning and Development Strategy 2019-22 be amended as shown at **Appendix A** with immediate effect to include:

Roles and Responsibilities for Elected Member Learning and Development

Full Council.

Approval of full Council will be sought for the following Member Learning and Development matters:

- a. The Elected Member Learning and Development Strategy
 - b. Subsequent amendments or updates to The Elected Member Learning and Development Strategy
 - c. Approval of the categorisation of member development topics recommended by the Democratic Services Committee as mandatory training.
- b. a review of the Elected Member Learning and Development Strategy be undertaken and submitted to Council for approval in 2024 which will reflect the role of full council in approving paragraph a above.
 - c. any outstanding mandatory training identified as part of the Member Induction to be completed within 6 months of 25 June 2023 when Council approved the amendment of the Members' Code of Conduct.

Financial Implications

8. Any costs from Member learning and development activities are to be monitored and contained within the existing Democratic Services funding sources and budgets.

Legal Implications

9. Under the Local Government (Wales) Measure 2011, Part 1, the Democratic Services Committee is responsible for overseeing the democratic services functions of the Council, ensuring this work is adequately resourced; and reporting to full Council accordingly.
10. The Democratic Services functions (which must be discharged by the Head of Democratic Services) are defined as follows:
 - a. to provide support and advice: to the authority in relation to its meetings; to committees of the authority and the members of those committees; to any joint committee which a local authority is responsible for organising and the members of that committee; in relation to the functions of the authority's scrutiny committees, to members of the authority, members of the executive and officers; to each member of the authority in carrying out the role of member of the authority (but excluding a member's role as an Executive member);
 - b. to promote the role of the authority's Scrutiny Committees.
 - c. to make reports and recommendations to Council in respect of the number and grades of staff required to discharge democratic services functions and the appointment, organisation and proper management of those staff; and
 - d. any other functions prescribed by the Welsh Ministers.
11. In determining how to exercise its functions, the Committee must have regard to the statutory guidance issued by the Welsh Ministers. The Welsh Government has indicated that it is proposing to revoke the earlier guidance (Statutory Guidance from the Local Government Measure 2011) issued in June 2012 and has issued refreshed draft guidance for consultation (in Chapter 2 of the Consultation Document, Local Government: Guidance for Principal Councils, 17 March 2022): [Guidance for principal councils | GOV.WALES](#). The revised draft guidance on Democratic Services Committees is substantially unchanged but has been updated to reflect legislative changes, including the removal of the legislative prohibition on the monitoring officer also being the head of democratic services (under section 161 of the Local Government and Elections (Wales) Act 2021).
12. The information set out in the body of this report enables the Democratic Services Committee to oversee the work of democratic services, ensure the work is adequately resourced and report to full Council, as appropriate.
13. Other relevant legal provisions are referred to in the body of the report.

RECOMMENDATIONS

14. The Democratic Services Committee is requested to:
 - a. Note the information set out in the report.

- b. identify any additional media and social media training content that would benefit their use of media and social media when engaging with their communities.
- c. Approve that the following recommendations be submitted to Council for approval:
 - i. The existing Elected Member Learning and Development Strategy 2019-22 be amended as shown at **Appendix A** with immediate effect.
 - ii. a review of the Elected Member Learning and Development Strategy be undertaken by the Democratic Services Committee and submitted to Council for approval in 2024.
 - iii. That any outstanding mandatory training identified as part of the Member Induction be completed within 6 months of 25 June 2023 when Council approved the amendment of the Members' Code of Conduct.

GARY JONES
HEAD OF DEMOCRATIC SERVICES
7 November 2023

Background Papers:

[Amendment Of The Members' Code Of Conduct - Attendance At Mandatory Training](#) report to Council dated 29 June 2023

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Elected Member

Learning & Development Strategy

2019-2022



Mae'r ddogfen hon ar goel yn Gymraeg hefyd /
This document is also available in Welsh

WORKING FOR CARDIFF,
WORKING TOGETHER



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Foreword

The role of a Councillor can be complex and challenging and is getting more so. The responsibilities and duties placed upon us by the Welsh Government, the Council, through the provision of its services and Councillor duties, and the communities we represent, grow and change with each election. Councillors are expected to carry out many roles ranging from community leader to taking on additional responsibilities within the council structure. Councillors have to balance the needs and interests of their community, their political party or group, and the council as a whole as well as, of course, their personal, family and employment commitments.

Constantly changing priorities, needs and legislation require difficult decisions for which Councillors need to be well informed. The provision of services, as well as the search for new and collaborative ways of working, for both front line and back-office operations, can, in many cases, require difficult choices and a need for more information. Just as challenging can be the task of explaining these decisions, and dealing with the impact of these choices in our own communities. For many Councillors, this is something they may not have had to do before and might involve dealing with residents who are opposed to the outcome.

It is essential that the Council meets the needs of Councillors and provides excellent development opportunities to assist them in serving the citizens of this city. In fact, the Local Government (Wales) Measure 2011 directs Councils to place more emphasis on Member Development. The Democratic Services Committee will be working to ensure that Cardiff offers all its Councillors the best personal development opportunities to enable them to gain the knowledge and learning they may need, to properly serve the city and its citizens. The council also recognises that looking after the Wellbeing of Councillors is equally important and seeks to set the standard of excellence in both these areas.

The council sees the needs of Councillors in Cardiff as of paramount importance. This Elected Member Learning and Development Strategy sets out what are seen as the development priorities for the induction of newly Elected Members as well as the identification of each Councillors ongoing development, learning and wellbeing needs. As Councillors knowledge and experience grows, sometimes over many electoral cycles, the opportunities for them to undertake wider roles increases, bringing greater responsibilities and pressures. These new roles and responsibilities may require further learning and development. This strategy is intended to assist in equipping all members with the necessary skills, knowledge and help to meet the challenges that they may face during their term of office.

Councillor Michael Jones-Pritchard
Chair of Democratic Services Committee

Expectations of the Elected Member Learning and Development Strategy

Elected Members are an integral part of setting the strategic aims and objectives of the Council. They also ensure that these objectives are met and that high-quality cost-effective services are delivered to the residents of Cardiff.

This Council is working to support the development of all of its Elected Members and to ensure that they are able meet the demands of their roles. Cardiff Council is committed to ensuring that:

- There is a planned and structured approach to Elected Member Learning and Development.
- Elected Members have access to appropriate means to assist them to acquire relevant knowledge and develop the skills necessary for their roles.
- Learning and development, wherever possible, is linked to the roles of Elected Members.
- Access to learning and development activities is equitable.
- Elected Members are encouraged to identify their own development needs and participate fully in learning and development activities.
- Elected Member learning and development activity is adequately resourced within available budgets.
- The Member Development Programme will be produced and updated on a regular basis, to support the Council's strategic plans, the roles and functions of Elected Members and key challenges affecting the Council's priorities.

Roles and Responsibilities for Elected Member Learning and Development

Full Council.

Approval of full Council will be sought for this Elected Member Learning and Development Strategy, including any substantive amendments or updates to it and the designation of member development topics recommended by the Democratic Services Committee as mandatory training.

Democratic Services Committee

The Democratic Services Committee will provide direction to the Head of Democratic Services when reviewing the development and support requirements of Elected Members. This will include identifying learning and development priorities and the adequacy of the Member Development budget.

To assist in the prioritisation of learning opportunities, the Democratic Services Committee has developed the following matrix to reflect the:

- requirement to undertake a learning activity
- likely knowledge and experience of some Elected Members
- importance and relevance of the learning activity.

| Requirement | Newly Elected Members | Experienced Members | Committee Members | Executive Members / Chairpersons/ Group Spokesperson |
|---|-----------------------|---------------------|-------------------|--|
| Legislative/Constitutional | Mandatory | Mandatory | Mandatory | Mandatory |
| Auditors, Inspectors & Regulators, Corporate Policy | Recommended | Recommended | Recommended | Recommended |
| Committee Specific | Beneficial | Useful | Recommended | Useful |
| Service Area/provision | Beneficial | Beneficial | Beneficial | Beneficial |
| Personal | Beneficial | Useful | Useful | Beneficial |
| Regional/National | Beneficial | Useful | Useful | Beneficial |

This matrix will be applied by the Head of Democratic Services who will then assess if topics should be delivered to all Elected Members or targeted for specific groups of Elected Members i.e., all scrutiny members or all of the Corporate Parenting Advisory Committee etc. The Head of Democratic Services will liaise with the Chairperson of the Democratic Services Committee regarding the categorisation and delivery of development topics as necessary.

The Democratic Services Committee will also consider any benefits which could be achieved by providing a tiered level of development. This would enable one level for those elected members with existing skills, knowledge or abilities and for a more detailed introduction for those members who are new to the topic.

Mandatory Member Development

As part of the Elected Member Induction Programme 2022 the following topics have been identified as “Mandatory Training”:

- What Councillors need to know including the Member’s Code of Conduct
- Information Governance and Data Protection
- Safeguarding
- Corporate Parenting
- Supporting Equality in Cardiff’s Diverse Communities

The Council has agreed that any further topics recommended by the Democratic Services Committee as “Mandatory Training” are to be submitted to Council for approval.

A duty to attend all mandatory training is incorporated within the Members’ Code of Conduct, paragraph 8(c).

A failure to undertake any training designated by the Council as mandatory within 6 months from the date on which the mandatory training is first made available shall be a breach of the Members’ Code of Conduct, unless:

- (i) a Member can provide evidence of having attended equivalent and up to date training; or
- (ii) a Member has a reasonable excuse for requiring an extension of time,

which, in either case, should be agreed in advance with the Head of Democratic Services.

The Head of Democratic Services

The role of the Head of Democratic Services is to:

- produce and monitor the Member Development Programme,
- collate any identified learning and development needs, and
- inform and plan the on-going Member Development Programme,
- Identify opportunities which support the wellbeing of Elected Members and enhance their personal resilience.

Political Leaders (supported by Party/Group Whips)

The responsibility of political leaders (Party/Groups Whips) is to:

- endorse the aims and intentions of the Elected Member Learning and Development Strategy.
- Promote participation in the Member Development Programme to enhance the knowledge and skills of individual members.
- Encourage group members to attend relevant training, in particular, any training designated as mandatory.
- Raise awareness of the support mechanisms available to improve the wellbeing and personal resilience of all of their Party/Group Members.
- Encourage all of their Party/Group Members to achieve their potential.

Directorates and Departments

Directorates and Departments are responsible for identifying and delivering service specific learning and development in co-ordination with the Head of Democratic Services and the Democratic Services Committee

Individual Members

Individual Members are responsible for:

- identifying their own development needs.
- seeking opportunities to improve their effectiveness and increase their potential.
- attending arranged learning and development activities.
- sharing their knowledge and skills with their peers.
- reviewing their learning and development activities.
- applying the knowledge and skills developed through the activities.
- **undertaking all training designated by the Council as mandatory 'in line with their duties under the Members' Code of Conduct, paragraph 8(c)**

Co-ordination

The day-to-day co-ordination of learning and development activities will be the responsibility of the Head of Democratic Services and the Democratic Services Team in liaison with representatives from the Council as necessary.

A Phased Approach

A systematic induction programme will be provided for all newly Elected Members. The initial induction and subsequent Member Development Programme will be delivered as part of a phased approach as shown in **Figure 1**.

Details of each phase of the strategy are as follows:

Phase 1 – Administration

To establish the newly Elected Members within the Council and will include:

- Fulfilling their statutory requirements regarding their Acceptance of Office and completing their Declaration of Personal Interests,
- Creation of ICT accounts and provision of ICT equipment.
- Authority for the use of personal information to set up remuneration payments, web pages and enable officers to carry out other necessary administrative functions.
- A briefing of the facilities available to Elected Members within the Authority
- The taking of official photographs for use on the Cardiff Council website and ID cards

Expected outcomes.

The following are the expected outcomes from this phase:

- All Acceptances of Office completed.
- Elected Member induction administration completed.
- Cardiff Undertaking signed by all Elected Members

Phase 2 – The Essentials

To provide Elected Members with sufficient knowledge to prepare them to undertake their initial role in the support of Council business. This phase may include briefings on the following topics from key officers:

The Chief Executive:

- Overview of the Council its services and structures

Corporate Directors/Directors:

- An overview of the Directorate Policy and Service Provision – policy context, challenges and achievements

The Monitoring Officer:

- Introduction to Local Government
- Constitution and decision making
- Members Code of Conduct

Head of Democratic Services

- Roles of and appointment to committees
- Introduction to role descriptions
- The electronic meeting systems used at Council and Committee meetings.

Expected outcomes

The following are the expected outcomes from this phase:

- a. All Members have a basic knowledge of the Council, its structure and role.
- b. Code of Conduct completed by all Elected Members
- c. Elected Members are able to effectively undertake their governance and decision-making role at Council meetings.

Phase 3 – The Core Functions

To provide Elected Members with the knowledge and skills to enable them to undertake their core functions as Elected Members. It is intended to provide a sound basis for decision making which is required by councillors to carry out their role effectively.

- Ward and Casework (including the Member Enquiry System)
- Personal Resilience
- Corporate Parenting
- Safeguarding
- Equalities and Diversity
- Decision Making for Cabinet Members
- Developing effective decision making for those appointed to the following:
 - Audit Committee
 - Constitution Committee
 - Corporate Parenting Advisory Committee
 - Council Appeals Committee
 - Democratic Services Committee
 - Employment Conditions Committee
 - Local Authority Governor Panel
 - Pensions Committee
 - Standards & Ethics Committee
 - Licensing Committee
 - Planning Committee
 - Public Protection Committee
 - Overview and Scrutiny Committees
- Representing constituents at meetings ie Licensing and Planning Committees

- Chairing Skills
- Questioning Skills
- Using social media and Handling online Abuse
- Managing difficult discussions

Expected outcomes.

The following are the expected outcomes from this phase:

- a. Elected Members understand the roles to which they have been appointed.
- b. Elected Members are more able to carry their role in their wards and for the city.
- c. Elected Members are aware of their responsibilities when representing the Authority.

Phase 4 – Identifying the Needs of Individual Councillors

With the possibility of a large number of new Elected Members after an election, it will be necessary to undertake a Personal Review process¹ as soon as possible. Learning, support and development needs will be identified at a number of levels which may include:

Personal Resilience and Wellbeing

All Elected Members will be informed of the personal support available to develop their personal resilience and ensure that their wellbeing is maintained throughout their time in office.

As an individual:

All Elected Members and in particular those who have been newly elected will have an opportunity to discuss their learning and development needs:

- with a suitable mentor¹ as part of their induction.
- as part of a peer review process where learning and development requirements can be identified.

Role Specific:

- Role descriptions will be used as an aid to identify development needs particularly during a review process.
- Members whose roles change will be supported to review their learning and development needs.
- The identification of learning and development needs at political group level be achieved in consultation with the Head of Democratic Services and through the feedback from the Democratic Services Committee.

Corporate and Constitutional:

Member Development will be linked to corporate and constitutional priorities by the Head of Democratic Services in liaison with the Chief Officers, Heads of Service and the Democratic Services Committee.

Regional and National Initiatives:

Requests are often received from regional bodies or national organisations to provide development opportunities on key issues. These events will be integrated into the

¹ See Enhancing the current arrangements for Elected Member Learning and Development Version 2.0

Member Development Programme by the Head of Democratic Services but may be in addition to the usual learning and development activities.

Expected outcomes.

The following are the expected outcomes from this phase.

- a. Elected Members have been offered a Member Mentor to assist in their development.
- b. Elected Members regularly identify their support and development needs.

Phase 5 – Individual & Continuing Development

To provide Elected Members with knowledge and skills related to:

- leading their community,
- developing those individual and specialist requirements identified within the personal review process,
- learning and development identified by the Democratic Services Committee.
- working with external partners.

Regional and National Development Opportunities

Opportunities may arise for regional development activities to be undertaken. This may include topics of common interest on a regional or national basis. These events may reduce costs and enhance outcomes due to the diversity of knowledge and experience of attendees, whilst also providing an opportunity for cross-council communication and collaboration.

The Leadership Programme

As part of the Academi Wales, the Welsh Government and the Welsh Local Government Association (WLGA) work in partnership with the Local Government Association (LGA) to deliver a Leadership Programme for Elected Members.

The Leadership Programme is a place where Elected Members, can explore the latest thinking in political leadership, and equip themselves with the knowledge and skills needed to meet the challenges that they face as councillors.

Initially authorities are offered 2 places. However, if every council does not take up its entitlement any unfilled places are made available for Authorities who have identified reserves. Attendance is capped at 3 – 4 councillors per authority per programme to ensure that confidentiality in action learning sets is maintained and that the benefits of having representatives from a variety of Councils are not diminished.

Elected Members can request via their political group to attend the Leadership Programme as long as they have sufficient experience to actively participate. A process for the allocation of available spaces to the Leadership Programme for the current term of office has been agreed by political groups as follows:

| Year | Places | Allocation |
|-------------|---------------|-------------------------------|
| 2022-23 | 2 | Labour x 2 |
| 2023-24 | 2 | Labour x1 Conservative x 1 |

| Year | Places | Allocation |
|---------|--------|---|
| 2024-25 | 2 | Labour x 1 Liberal Democrat x 1 |
| 2025-26 | 2 | Labour x 2 |
| 2026-27 | 2 | Labour x 1 Plaid/Green or Propel x 1 |

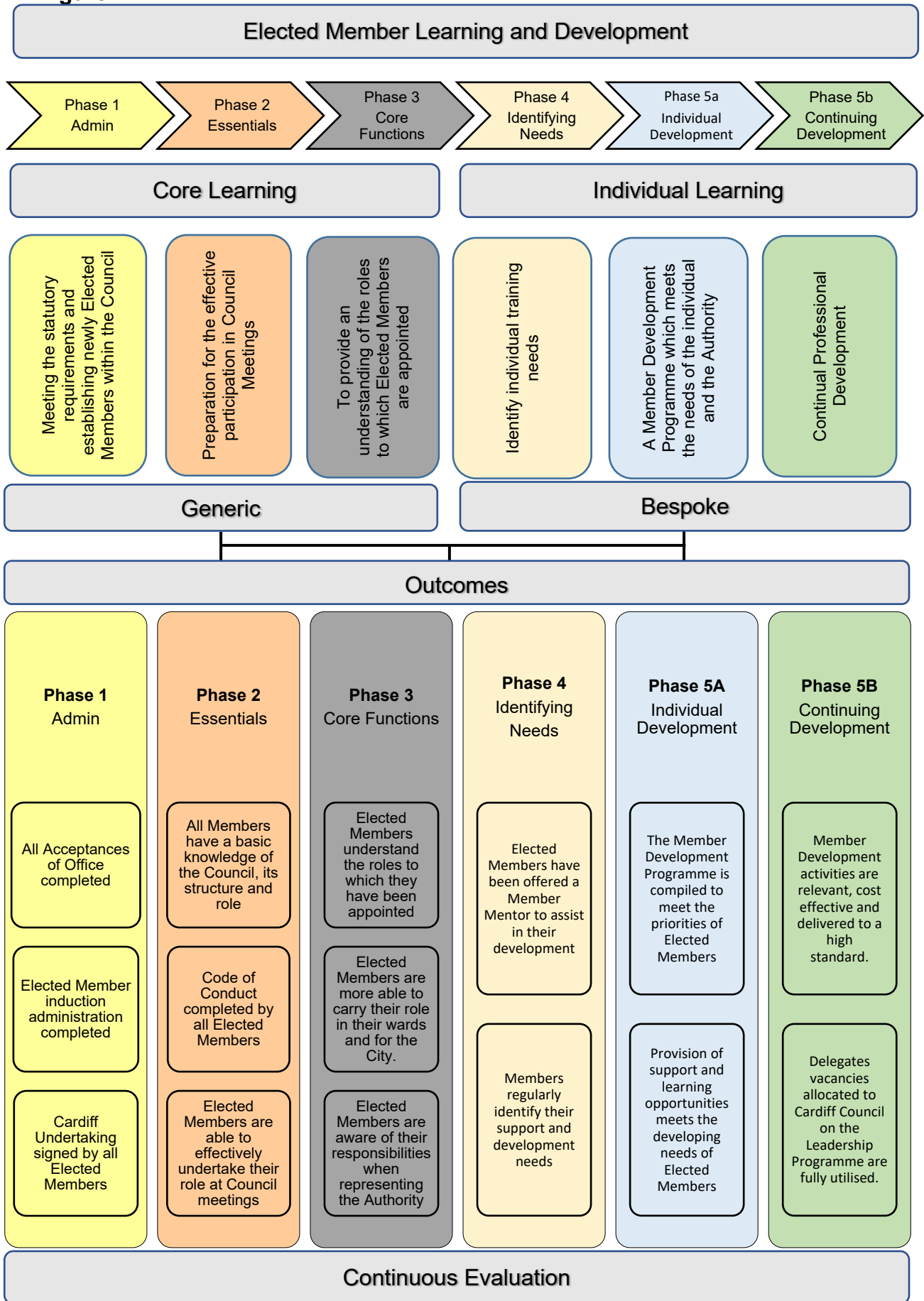
Should there be sufficient interest a bespoke Leadership Programme could be provided by the WLGA specifically for Cardiff councillors. It should be acknowledged that this option does have financial implications and does not provide the networking opportunities with other Local Authority Members which is regarded as a beneficial element of the Leadership programme.

Expected outcomes.

The following are the expected outcomes from this phase.

- a. The Member Development Programme is compiled to meet the priorities of Elected Members.
- b. Provision of support and learning opportunities meets the developing needs of Elected Members.
- c. Member Development activities are relevant, cost effective and delivered to a high standard.
- d. Delegate vacancies allocated to Cardiff Council on the Leadership Programme are fully utilised.

Figure 1



Member Development Activity Survey

Elected Members will be surveyed within the first 12 months following the Local Government Elections to help inform the number of topics, frequency and timings of development events that will be held. The survey will identify the most appropriate time to provide learning and development events to maximise participation. This survey will be repeated at the mid-point of a term of office or when requested to do so by the Democratic Services Committee.

Prioritisation of Member Development activities

All requests to provide learning and development opportunities for Elected Members should include the following key information to assist when prioritising the delivery of Member Development activities:

- The subject of the learning activity.
- A brief outline description of the subject.
- The requirement/justification to undertake this learning, i.e., is there a statutory requirement, is it part of an on-going initiative?
- Who forms the target audience, i.e. All Members, Scrutiny Members etc.?
- What are the expected/desired learning outcome/objectives?
- Which officers/organisations will be delivering/facilitating this event?
- What is the anticipated duration of the session?
- What type of training activity is suggested i.e., 1 hour presentation with questions, 30-minute briefing, 2 hour interactive workshop etc.?
- How will this activity be evaluated to show that the anticipated benefits have been achieved?

The Head of Democratic Services will assess all requests and recommend to the Democratic Services Committee how these requests should be prioritised, categorised and if necessary tiered for inclusion in the Member Development Programme. **Any designation of training as mandatory will be set out within this Strategy and is subject to the approval of full Council.**

Methods of learning and development

A flexible approach to the delivery of learning and development opportunities will be adopted to meet the identified needs of individuals and groups.

Face-To-Face Activities

A variety of methods may be used to deliver these opportunities which could include seminars, workshops, E-Learning and briefing sessions. Where appropriate, shared Member and officer development activities will be encouraged.

E-Learning

The Cardiff Academy Website is an online portal where suitable development opportunities are provided for Officers and Elected members.

Greater use of the E-Learning facilities will be incorporated into the Member Development Programme and this will enable:

- Essential E-Learning modules to be identified by the Democratic Services Committee and included as part of an Elected Member Induction. Elected

Members will be expected to be complete the identified induction E-Learning modules.

- Key topics to be identified for inclusion in the Member Development programme and categorised by the Democratic Services Committee accordingly. Elected Members may be requested to complete the specific E-Learning modules by a particular date. A subsequent report will be provided by Cardiff Academy to confirm that the E-Learning modules have been completed as requested by the Democratic Services Committee.
- Those returning councillors or those who have previously attended face to face training on topics such as Corporate Parenting will be able to undertake the e-learning module rather than attending an annual repeat of any face-to-face refresher sessions.
- Elected Members to undertake other E-Learning activities for their own development which will be shown on their training records.

Assistance can be provided by the Democratic Services Team to enable Elected Members to engage with these learning activities and ensure that development records are maintained.

WLGA Workbooks

The WLGA have designed a series of Elected Members workbooks which can be used as an introduction or a refresher for key knowledge. They cover a broad range of generic skills as well as specific issues and service and or policy areas and their impact at ward level. The workbooks currently available are:

- The Effective 'Ward' Councillor
- Handling Casework
- Influencing Skills
- Facilitation and Conflict Resolution
- Stress Management and Personal Resilience
- Safeguarding Adults
- Child Sexual Exploitation
- Scrutiny of Finance
- Corporate Parenting
- Health and Safety in the Council
- Making Sustainable Decisions
- Presentations from regional training sessions for Elected Members on their responsibilities towards Gypsies and Travelers

Member Development Programme

It will be the responsibility of the Head of Democratic Services to prepare the Member Development Programme in line with the priorities determined by the Democratic Services Committee. This will be a rolling programme that will confirm the Member Development activities for the following three months with topics for the subsequent 3 months being identified but not confirmed. This will allow the programme to be flexible and adapt to the changing needs and priorities of Elected Members and the Council.

If time dependant learning opportunities arise and there is no meeting of the Democratic Services Committee planned before the delivery of the event the Chairperson of the Democratic Services Committee in liaison with the Head of Democratic Services will update the Member Development Programme as necessary.

Access to learning and development opportunities.

All Elected Members will have equal access and opportunity to:

- information relating to learning and development opportunities.
- participate in learning and development opportunities, taking into account the needs of their roles and responsibilities and their personal learning needs.
- benefit from learning and development activities, regardless of ability, race, colour, national ethnic or social origin, gender, sexuality, sexual orientation, religion, age, disability, political or other personal beliefs.

Attendance at Member Development Activities

The Member Development Programme will be approved by the Democratic Services Committee and included in the Member Information and Diary of Meetings email circulated by Democratic Services.

Electronic invitations for Member Development activities will be placed in individual Elected Members electronic calendars. Elected Members will be requested to respond electronically if they are unable to attend the activity. It is vital that these responses are accurate as the facilitators of the events are provided with the anticipated attendance numbers to tailor their delivery of the session. The attendance of Elected Members at these Member Development Activities will be displayed on the Elected Members profile page on the Cardiff Council website.

At each session the attendance will be recorded and passed to Democratic Services. A summary of attendance at training events will be compiled and circulated to Group Whips on a regular basis to promote and encourage attendance of their members. Group Leaders will be provided with training attendance records for the members of their groups for the purposes of their biannual report to the Standards & Ethics Committee, which will include specific reference to attendance figures for all mandatory training and any steps being taken to address any non-attendance.

Learning and development records

Democratic Services will collate and record information relating to Elected Member learning and development including attendance and the evaluation of activities which have been completed. The evaluation will also enable Elected Members to identify and record any additional learning needs which arise from a completed learning activity.

Resources

Elected Member learning and development, will be resourced from the allocated Member Development budget. Reasonable allocation will be made as part of the annual budget round and applied with regard to the corporate needs of the Authority. The Democratic Services Committee will monitor appropriate spend on the budget.

In house training will be provided by Directorates if the topic relates to their service areas. The costs for this type of event will be met from Directorate budgets and not from the Member Development budget.

The Democratic Services Team will be responsible for the co-ordination and support for Elected Members attending relevant conferences and events within its allocated resources. The Team will also coordinate the reimbursement of travel and out of county subsistence allowances.

Evaluation

It is the responsibility of the Head of Democratic Services to ensure that the evaluation of learning and development activities is carried out.

Evaluation of Individual Activities

All training providers will be required to incorporate an evaluation of the event into their learning session and Elected Members will be asked to complete a learning and development evaluation form. Elected Members are recommended to compile learning logs to support any self-assessment or review of their development requirements.

Evaluation forms will be analysed, and the feedback collated into a report which will be presented to the Democratic Services Committee on a regular basis. This will enable the Democratic Services Committee to evaluate the effectiveness of the Member Development Programme and ensure that the identified outcomes are achieved.

Evaluation of Facilitators

To ensure that any learning and development activity provided to Elected Members is delivered to the highest standards and that the aims and objectives of the event are met, it is intended that an internal subject matter expert or the Head of Democratic Services attend each learning event and evaluate the provider/facilitator. This will be essential for events delivered by external providers to ensure that value for money has been achieved and that an effective learning opportunity has been provided and achieves the planned outcomes.

Review of the Elected Member Learning and Development Strategy

To ensure that the Elected Member Learning and Development Strategy remains an effective tool for Elected Members increase their knowledge. It will be necessary to plan a review the strategy. It is anticipated that the strategy will be reviewed (to be determined), at the request of the Democratic Services Committee and in response to relevant changes to legislation or to the Authority.

Enhancing the current arrangements for Elected Member Learning and Development

The following topics are planned to be developed during the duration of this strategy:

Role Descriptions

The WLGA provides a suite of generic role descriptions which are being reviewed with the intention of adapting them to better reflect the roles that Elected Members undertake in Cardiff.

Role descriptions set out the responsibilities and functions of the role of an Elected Member. The person specifications describe the qualities and skills desirable to fulfil the role and can help when considering personal development.

Where Elected Members undertake more than one role it is anticipated that role descriptions would be combined. For example: Overview and Scrutiny committee chairs would be expected to undertake the role of Elected Member, Overview and Scrutiny Member Overview and Scrutiny Chair.

Mentoring:

The formal mentoring of Elected Members by experienced Members is strongly recommended and it is planned to be offered to all newly Elected Members. This will enable the mentee to develop the skills, knowledge, understanding and behaviours required for the Elected Member role. This is not a prescriptive or directive relationship but one which allows the mentee to find their own way, guided by the mentor.

Guidance for Member Mentors has been developed by the Welsh Local Government Association (WLGA). It is anticipated that experienced Elected Members identified by Political Groups will participate in a workshop facilitated by the WLGA to those undertaking a mentoring role. This will provide the appropriate level of support for newly elected to rapidly develop the necessary skills to become an effective Elected Member.

Returning Members who do not require mentoring will be provided with the opportunity to discuss their development needs as part of the Personal Review process. This process is to be developed but it is anticipated that it will enable Senior Elected Member Peers to be able to assist other Elected Members to identify their learning needs.

Personal Review Process

The key requirements of a Personal Review process are identified in the Local Government (Wales) Measure 2011:

- A local authority must make available to each member of the authority an annual review of the member's training and development needs.
- The review must include an opportunity "to discuss" with a person who is, in the opinion of the authority, suitably qualified to provide advice regarding the training and development needs of a member of a local authority.

Establishment and effective use of the Personal Review process will enable this Authority to meet its requirement in accordance with the Measure and secure the provision of reasonable learning and development opportunities for its Elected Members.

The use of learning logs to record any development activities that have been attended will provide an opportunity to reflect on the event at a later date. These will also assist in the production of an Annual Report and support Personal Review discussions.

Potential Candidate Briefings

In order to promote local democracy and the understanding of the role of a councillor briefing for potential candidates will be held prior to Local Government elections. This event will inform those members of the public planning to stand for election of the:

- The criteria to stand for election,
- election process

- roles and responsibilities they will be expected to undertake as a councillor.
- skills, knowledge and commitment necessary to become an effective councillor.
- structure and remit of the Council

Learning and Development Support for Community Councils

With the introduction of a Community Councils Charter opportunities to identify appropriate common learning and development activities will be investigated although Community Councils may be asked to contribute to the cost.

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

MEMBERS ENQUIRY SERVICE (MES) UPDATE

Reason for this Report

1. The purpose of this report is to inform the Democratic Services Committee of the progress being made to develop the use of the Member Enquiries System (MES).

Background

Role of the Democratic Services Committee

2. The Local Government (Wales) Measure 2011, Part 1, Chapter 2, <https://www.legislation.gov.uk/mwa/2011/4/part/1/chapter/2> requires local authorities to appoint a Democratic Services Committee to oversee the Democratic Services functions of the Council, ensure that the work is adequately resourced and report to the full Council accordingly. The Democratic Services functions include Members' Services, Committee Services and Scrutiny Services, but not Cabinet Support Services.
3. The Members Enquiry System (MES) is an important tool to effectively manage the issues raised by residents with their Councillor as part of their ward casework. Issues raised may include:
 - Request for Service
 - Complex housing cases
 - Social services issues
 - Requests for residents/disabled parking
 - Failed/repeated requests for service queries.
 - Road Safety / Traffic calming
 - Council Tax / benefits queries
4. A Service Level Agreement (SLA) was established to provide a full response to member enquiries within 10 working days although with many of the complex cases that are received this is not always possible.
5. Members Services team have operational responsibility for the Members Enquiry System (MES) which includes logging enquiries and to escalate issues to managers and provide Senior Managers with monthly performance updates.

6. The HALO system was introduced to provide additional functionality for the MES which offered the opportunity to improve the facilities provided to Elected Members.
7. A report was submitted to the Democratic Services Committee on 29 November 2021 outlining the planned improvements to the MES using HALO prior to the Local Government Elections in May 2022. The committee was subsequently updated on 28 November 2022 regarding the implementation of the Corporate Complaints, Compliments and Enquiries Management system and its impact on the implementation of improvements for the MES.
8. On 6 February 2023 the Democratic Services Committee requested that opportunities for the improvement to the MES be explored which would include:
 - a. increasing the 10 day Service Level Agreement (SLA) for routine enquiries to 15 days; and
 - b. introducing a 5 day or urgent SLA for key issues relating to the immediate wellbeing of constituents e.g. homelessness.

Issues

9. Until recently the MES has primarily been a stand-alone system using Halo which with its most recent developments has provided a system suitable to support the enquiries raised by Elected Members. Since the previous meeting of the Democratic Services Committee meeting a number of activities have been undertaken to identify and deliver these and other improvements which could then be implemented into the corporate Complaints, Compliments and Enquiries Management system.

Evaluation of the MES by Customer Services

10. As part of the Customer Services review, the MES and its portal has been evaluated by the Head of Customer Services and colleagues from Connect 2 Cardiff (C2C) with the intention of determining whether the software and user interface could be improved.
11. The evaluation identified several minor improvements to enhance the user experience which have subsequently been implemented and include:
 - a. The re-ordering of the portal page to display the key information at the top of the portal home screen without the need to scroll the page.
 - b. The search categories could be improved with the addition of the Cardiff.gov keyword into the category selection facility.
12. Other additional improvements were identified but will require further development before being implemented:
 - a. Additional fields could be brought into the capture form to assist with identifying a location e.g. maps.
 - b. Amending the "My Ticket" summary view to bring in additional information including Service level agreement target, status and target date.

- c. Further consideration of secure external access to the MES Portal.
13. The summary of the observations identified by the Head of Customer Services are as follows:
 - a. The system is simple to use and uses conventional navigation and fields.
 - b. The views are uncluttered and allow users to easily access existing tickets, view any updates and add additional notes and correspondence.
 - c. The log in process and restrictions around the devices used needs to be reviewed to make sure that process is as simple as possible.
 - d. The portal functions well on a mobile device and resizes to the screen.
 - e. Additional fields within the form to raise a new enquiry may benefit the data capture.
 - f. Some expansion of the view for existing tickets may benefit the user when searching their tickets.

Discussions with Service Area Officers

14. Discussions were held with service area officers to identify the challenges and barriers to the 10-day SLA and its potential reduction. It was acknowledged that having separate systems for the MES and the management of operational matters led to some duplication which could be reduced with the implementation of the Complaints, Compliments and Enquiries Management system.
15. Each service area had differing challenges and statutory requirements for managing issues raised not only with the MES but with customer related reports from other channels e.g. via C2C or other stakeholders.
16. Suggestions for a light touch approach for some requests for service were proposed but this would not provide the accountability required by Elected Members.

Discussions with Group Whips

17. The Head of Democratic Services met with the majority of political group whips to identify any improvements of the MES that would enhance the effectiveness of the MES for their casework. The general consensus was that the 10-day SLA should not be increased for routine enquiries and that for some key issues a possible reduction in the SLA or the development of urgent enquiries should be considered.
18. There was no consensus on the topics for a reduced SLA or which matters should be considered as an urgent enquiry. Further discussions with a wide group of elected members and senior managers would be needed to develop a suitable consensus regarding urgent enquiries and to progress the identification of MES improvements and to ensure that adequate resources are in place to do so.

Implementation of the of Corporate Complaints, Compliments and Enquiries Management system

19. The implementation of a system for corporately managing complaints, compliments and enquiries has been progressing since its procurement in 2022. Its aim is to create and embed a centralised, streamlined approach to the management of complaints, members, and cabinet enquiries. The new system will improve the handling process, increase efficiency, and provide corporate oversight of enquiries across the organisation.
20. The key benefits of the new enquiries system are to:
 - Provide good quality, consistent responses for all enquiries.
 - Improve the enquiries processes to enable a more joined up way of working by eliminating inefficient processes, such as multiple handovers, double keying, duplication etc. consuming valuable staff time.
 - Introduce an approval process at service area level to ensure the timeliness and quality of responses is achieved.
 - Respond to enquiries within the required SLAs.
 - Record good quality data and the ability to report quickly and easily on performance
 - Have a corporate overview of cabinet & members enquiries at any one moment in time.
21. The Members and Cabinet Enquiries elements of the new system were implemented in August 2023 and a period of proofing on the live system has been undertaken. A further period to fully embed the new system will be required to ensure that the updated processes deliver the anticipated benefits. A further update on the implementation of the new system will be provided at a subsequent meeting of the Committee.

Ongoing development

22. The existing development work has considered the user interface, system functionality, and process standardisation of the MES. Further work is needed to develop the processes that support the requirements of the elected member when undertaking casework. Members have previously indicated that their constituents receive a better customer service from C2C and services areas compared to the MES.
23. To address this disparity, better align the services provided to Elected Members and C2C customers and to improve existing MES processes, a member workshop is being planned to be held later this year. This will be co-ordinated as part of the main customer services review and may include some independent research and evaluation. Members will be advised of the dates of the workshop(s) and encouraged to participate to ensure that a wide range of views and concerns are considered before determining an ongoing improvement programme.

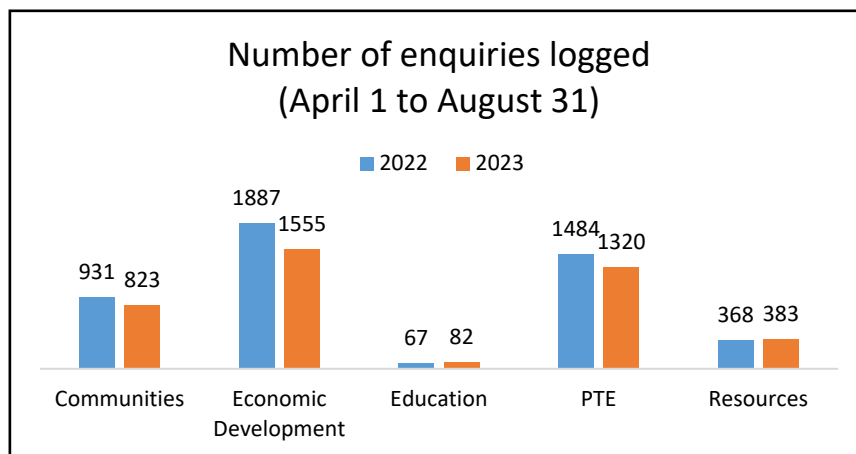
Performance Update

Number of Enquiries

24. Between 1 April and 14 August 2023, 3924 Member Enquiries were logged. This compares with 4456 logged in a similar period in the previous year.

Number of Enquiries by Directorate

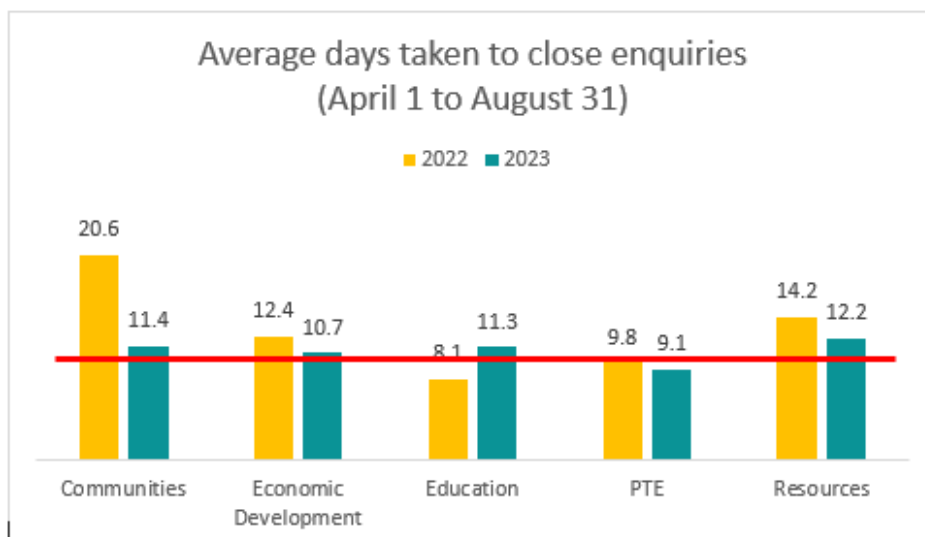
25. The following diagram shows the level of enquiries which have been received by each Directorate since 01 April 2023.



There has been an overall reduction in the total number of enquiries that have been logged during this period although a small increase was recorded with enquiries for the Education and Resources directorates. This may reflect that some Elected Members may be going directly to officers with their enquiries which are currently not being recorded on the system.

Average working Days taken

26. The average number of days taken to complete enquiries logged between April and August in 2023 and the comparable period in 2022 is shown in the diagram below.
- 27.



The data shows that there is a general improvement in the time taken to complete enquiries with a significant improvement being made by the Communities Directorate in achieving the 10-day Service Level Agreement as indicated by the red line in the diagram.

Financial Implications

28. The body of the report provides details of the requirements for and sources of funding in respect of Members Enquiries Service and the HALO system. Sources of funding include the Democratic and Members Services budgets and reserves, with the agreement of the Director of Governance and Legal Services.
29. All costs of the activities and services support are to be monitored and contained within the respective funding sources and budgets, and any new costs will require an identified source of funding.

Legal Implications

30. Under the Local Government (Wales) Measure 2011, Part 1, the Democratic Services Committee is responsible for overseeing the democratic services functions of the Council, ensuring this work is adequately resourced; and reporting to full Council accordingly.
31. The definition of 'Democratic Services functions' includes the provision of support and advice to each member of the authority in carrying out the role of member of the authority.
32. In determining how to exercise its functions, the Committee must have regard to the statutory guidance issued by the Welsh Ministers: [Statutory and non-statutory guidance on democracy within principal councils: governance and scrutiny \[HTML\] | GOV.WALES](#) which has recently been updated and incorporated within consolidated guidance on democracy within principal councils.
33. Under the General Data Protection Regulation and the Data Protection Act 2018, anyone processing personal data (information about an identifiable living individual) must have a 'lawful basis' for processing. One of the potential lawful bases is the consent of the individual concerned. Members may be able to rely on implied consent for processing the personal data of their constituents for casework enquiries, but in certain circumstances, for example, when dealing with safeguarding matters or when there is any doubt about the wishes of the individuals concerned, the explicit written consent of the individual/s will be requested by the Council. A proforma consent form has been prepared to assist Members, along with advice on when explicit consent should be obtained; and will need to be incorporated within the new MES forms and processes.

RECOMMENDATIONS

34. The Committee is requested to note:

- a. the consultation and evaluations that have been undertaken to improve the MES
- b. the implementation of the Member Enquiries element of the corporate Complaints, Compliments and Enquiries Management system.
- c. the plans to deliver further improvements to the Members Enquiries Service.
- d. the current performance data from the MES
- e. that a further update on the implementation of the new system will be provided at a subsequent meeting of the Committee.

GARY JONES
HEAD OF DEMOCRATIC SERVICES
7 November 2023

Background Papers:

[Members Enquiries Service Update](#) report to Democratic Services Committee dated 28 November 2022.

[Members Enquiries Service Update](#) report to Democratic Services Committee dated 29 November 2021.

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REPORT OF THE HEAD OF DEMOCRATIC SERVICES

DEMOCRATIC SERVICES – ACTIVITIES & SERVICE SUPPORT**Reason for this Report**

1. The purpose of this report is to inform the Democratic Services Committee on the performance of the Council's Democratic Services since the last meeting 06 February 2023.

BackgroundRole of the Democratic Services Committee

2. The Local Government (Wales) Measure 2011, Part 1, Chapter 2, <https://www.legislation.gov.uk/mwa/2011/4/part/1/chapter/2> requires local authorities to appoint a Democratic Services Committee to oversee the Democratic Services functions of the Council, ensure that the work is adequately resourced and report to the full Council accordingly. The Democratic Services functions include Members' Services, Committee Services and Scrutiny Services, but not Cabinet Support Services.

IssuesStaffing Arrangements

3. An additional £100,000 funding was added to the Democratic Services base budget in 2022-23 to meet the requirements of the Local Government and Election (Wales) Act 2021 and to maintain the existing legislative commitments.
4. The workload of the Democratic Services team in 2022 including the Member Induction and implementation of the Multi-Location Meeting Policy required the prioritisation of tasks to ensure compliance with the statutory duties and the maintenance of the Council's governance arrangements.
5. An application for a corporately funded apprentice has been successful and is currently being recruited for a January 2024 start date. It is anticipated that the apprenticeship will be a level 2 Diploma in Digital Application Support. This is a broad-based apprenticeship allowing scope for specialisation in: Data management, administration and processing multimedia and web applications. This will enable the qualified Apprentice to troubleshoot and solve problems using a range of different application software packages as appropriate to the business context in which they are working.

6. The creation and recruitment of additional staff was delayed but since the last meeting of the Democratic Services Committee a revised structure of the Committee and Member Services team has been developed. This has included:
 - a. the recruitment of two Grade 6 Committee and Members Services Officers
 - b. the planned recruitment of an apprentice from Jan 2024
7. To better support the additional requirements of the Local Government and Election (Wales) Act 2021, its statutory and non-statutory guidance and the provision of support for the National Adoption Service, additional staff to support Democratic Services are being planned. Due to the current financial challenges, a full business case is being developed to progress the planned creation of two new Committee and Members Services Assistant posts which are anticipated to be Grade 5 by March 2024.
8. The planned Democratic Services Structure Chart is shown at **Appendix A** which includes reference to Electoral Services which fall within the team for administrative purposes but are not within the remit of the Democratic Services Committee.

Democratic Services - Proposed Budget Savings

9. Currently, the authority is experiencing a significant increase in demand for its services. A number of factors have led to a general increase in workloads with Democratic Services being no different to other services areas. As previously advised the level of resources of the Committee & Member Services Team necessary to support elected members and remote meetings continues to be high.
10. At the same time the Authority is facing some significant financial challenges which need to be addressed. To support these challenges the Democratic Services Committee is requested to identify potential savings which may include but which are not limited to:
 - a. Minimising the provision of printed and posted agenda packs or other meeting documents.
 - b. Streamlining Democratic Services processes which appear overly bureaucratic to reduce resources i.e., claims for reimbursement for costs of care.
 - c. Revision of timescales for the delivery of tasks to ease the pressure on resources i.e., longer lead in time for production of ward letters.

Member Survey 2023-24

11. At regular intervals Elected Members are requested to undertake a survey which includes questions from the Democratic Services and Standards and Ethics Committee. On 14 February 2023, the Standards and Ethics committee agreed a series of questions to be included in the next Member Survey in 2023-24.
12. At a meeting held on 21st September 2023, Council approved a Notice of Motion regarding Neurodiversity. One of the resolutions was:

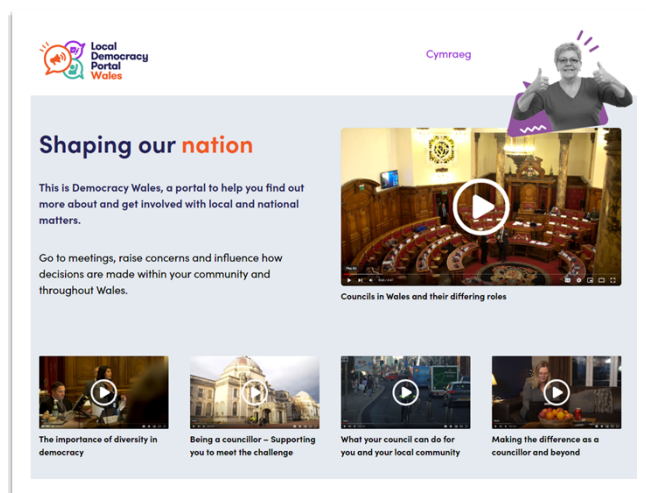
To review and implement reasonable adjustments for our elected members, to ensure the role of Councillor is accessible to people with neurodivergent traits and

conditions and that the skills and talents of all people can be harnessed for the benefit of the citizens of Cardiff.

13. To progress this resolution, it is proposed to include a series of neurodiversity questions in the Member Survey 2023-24. The survey would include questions which would enable a better understanding of:
 - the numbers of councillors who identify as neurodivergent.
 - the types of neurodivergence experienced by Councillors.
 - the strength and challenges of neurodivergent councillors and how it impacts their role as a councillor.
 - the measures that could be developed to support neurodivergent councillors in their role.
14. Following the survey it should be possible to:
 - a. Identify any initial support that can be made available for neurodiverse councillors.
 - b. provide some evidence for wider corporate discussions regarding neurodiversity across the organisation.
 - c. Identify additional support that could be provided to the existing elected members.
 - d. Identify how we can develop our support in readiness for the potential councillors intending to stand at the next Local Government Elections in 2027.
15. The Head of Democratic Services has been consulting with a subject matter expert who has offered to assist with developing appropriate survey questions to ensure that they are correctly phrased and will provide the necessary baseline information. The proposed questions once developed will be submitted to the Committee for consideration and prior to the launch of the survey in March 2024.

Improving Democratic Awareness

16. In 2022, following a successful bid for Digital Democracy funding, Cardiff received £50,000 for creating a series of videos to improve democratic awareness. The videos and an [all-Wales web page](#) was developed by Democratic Services with support from Cardiff's web team.



17. The website and videos were launched during Local Democracy Week (16 – 21 October 2023). The launch of these videos and webpages was coordinated across Wales using social media posts and local networks and with the support of partner organisations including the Welsh Local Government Association (WLGA) and the Independent Remuneration Panel for Wales. The outcomes from this collaborative work will be assessed at the next Head of Democratic Services meeting with the WLGA in December.
18. In addition, Electoral Services have launched the Democracy Ambassadors Programme 2023-24 for all primary and secondary schools in Cardiff. The aim of the programme is to support schools to implement democratic education and engagement activities that are practicable for teachers to deliver. Participating schools will select their ambassadors to lead democratic sessions/discussions and promote the democratic/voting rights of young people in Wales.
19. To support this work, a pilot of a Democratic Engagement workshop hosted by the Lord Mayor with Howardian Primary's Years Three to Six to help broaden their knowledge of how local democracy works. At this Local Democracy Week event, pupils learned about voting and how election counts work, including taking part in their own mini-ballot. The young people were then invited to take their seats in the Council chamber, trying out the electronic voting system used by members during Full Council meetings, and hearing how hybrid meetings work with some members attending the chamber and others joining remotely.



20. Following the success of this event, 14 schools participating in the Democracy Ambassadors Programme and the Cardiff People First organisation have signed up to take part in similar events scheduled to be held during this academic year. The Democratic Services Team will be looking for support from Elected Members to assist with these sessions to explain their ward and cabinet member roles.

Financial Implications

21. Any costs from Democratic Services activities and services support are to be monitored and contained within the respective funding sources and budgets. The Council budget report in September set out the £37 million budget gap for 2024/25, which is mostly to be addressed through budget savings. As always, every effort will be made to continue to identify efficiency savings (defined as achieving the same output (or more) for less cost). However, building on the levels of savings found over the past decade, it will not

be possible to balance the 2024/25 budget through efficiencies alone, and there will inevitably be a need for savings that impact on service delivery.

Legal Implications

22. Under the Local Government (Wales) Measure 2011, Part 1, the Democratic Services Committee is responsible for overseeing the democratic services functions of the Council, ensuring this work is adequately resourced; and reporting to full Council accordingly.
23. The Democratic Services functions (which must be discharged by the Head of Democratic Services) are defined as follows:
 - a. to provide support and advice: to the authority in relation to its meetings; to committees of the authority and the members of those committees; to any joint committee which a local authority is responsible for organising and the members of that committee; in relation to the functions of the authority's scrutiny committees, to members of the authority, members of the executive and officers; to each member of the authority in carrying out the role of member of the authority (but excluding a member's role as an Executive member);
 - b. to promote the role of the authority's Scrutiny Committees;
 - c. to make reports and recommendations to Council in respect of the number and grades of staff required to discharge democratic services functions and the appointment, organisation and proper management of those staff; and
 - d. any other functions prescribed by the Welsh Ministers.
24. In determining how to exercise its functions, the Committee must have regard to the statutory guidance issued by the Welsh Ministers: [Statutory and non-statutory guidance on democracy within principal councils: governance and scrutiny \[HTML\] | GOV.WALES](#), which has recently been updated and incorporated within consolidated guidance on democracy within principal councils.
25. The information set out in the body of this report enables the Democratic Services Committee to oversee the work of democratic services, ensure the work is adequately resourced and report to full Council, as appropriate.
26. Other relevant legal provisions are referred to in the body of the report.

RECOMMENDATION

27. The Democratic Services Committee is requested to note the information set out in the report.

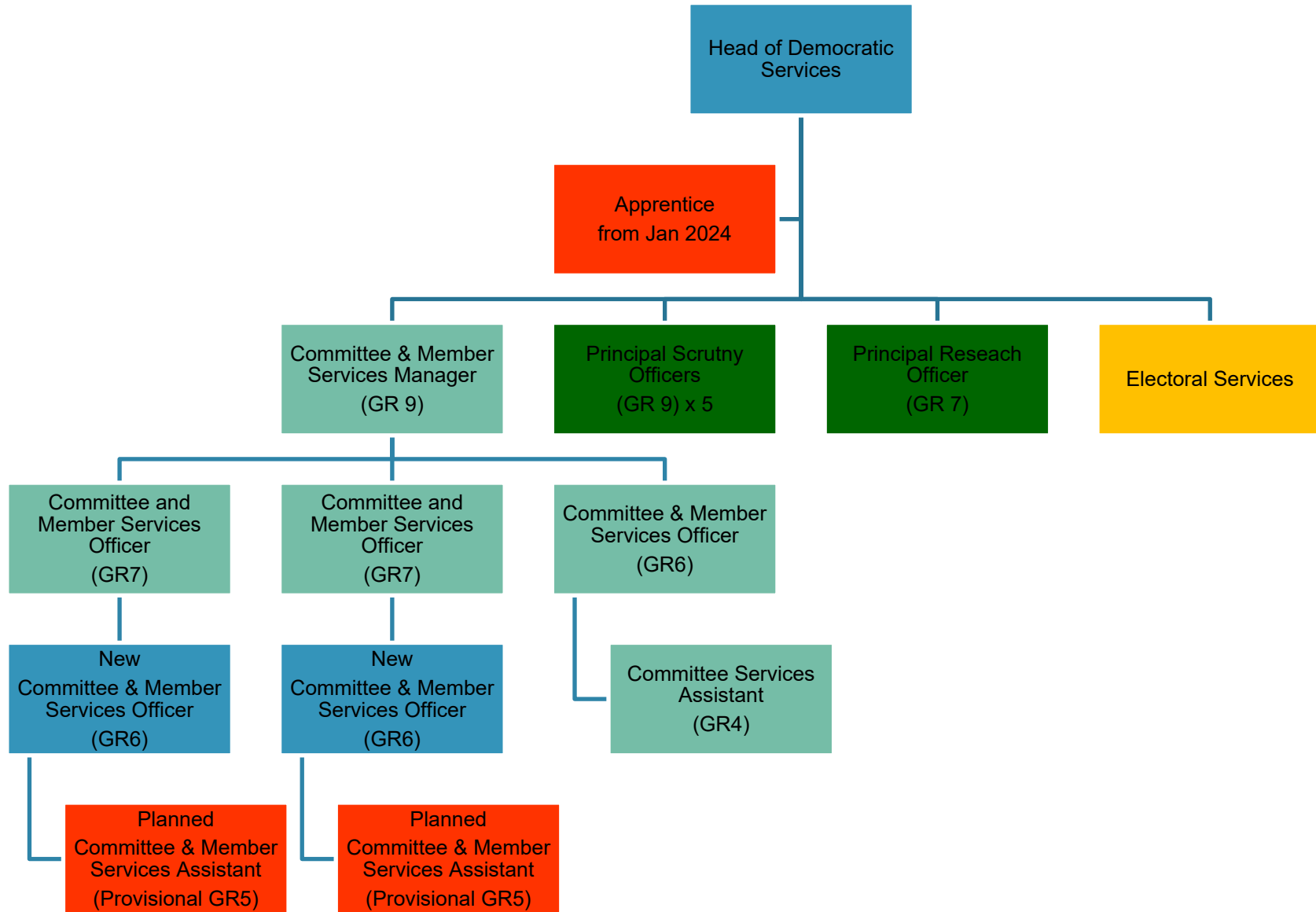
GARY JONES
HEAD of DEMOCRATIC SERVICES
07 November 2023

Appendix A: Democratic Services Structure Chart 2023

Background Papers:

[Democratic Services – Activities & Service Support Report](#) to the Democratic Services Committee Dated 06 February 2023

Democratic Services Structure Chart 2023



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REPORT OF THE HEAD OF DEMOCRATIC SERVICES

FORWARD WORK PROGRAMME

Reason for this Report

1. The purpose of this report is to propose topics for inclusion on the Democratic Services Committee Forward Work Programme.

Background

2. The Local Government (Wales) Measure 2011, Part 1, Chapter 2, requires local authorities to appoint a Democratic Services Committee to oversee the Democratic Services functions of the Council, ensure that the work is adequately resourced and report to the full Council accordingly.
3. The Forward Work Plan gives notice of, and transparency to, matters under review and for decision during the municipal year and reflects the Committees Terms of Reference as set out in the Legal implications of this report.
4. The Forward Work Plan needs to reflect the time commitment required for Committee Members and the resources available within the Council to meet the Committee's ambitions.

Issues

5. The main work streams of the Committee are to provide the frameworks to support Democratic Services functions and the work of Elected Members, as well as supporting Elected Members with learning opportunities in their specific roles within the Council and for their personal development.
6. The proposed business items for consideration at meetings of the Democratic Services Committee are shown at **Appendix A**.
7. The Committee is requested to consider the draft work programme and advise the Head of Democratic Services of any changes required to the programme. The Committee is also requested to consider if they wish to invite any persons to attend its meetings to support the items identified.

Legal Implications

8. The Democratic Services functions (which must be discharged by the Head of Democratic Services) are defined as follows:

- a. to provide support and advice: to the authority in relation to its meetings; to committees of the authority and the members of those committees; to any joint committee which a local authority is responsible for organising and the members of that committee; in relation to the functions of the authority's scrutiny committees, to members of the authority, members of the executive and officers; to each member of the authority in carrying out the role of member of the authority (but excluding a member's role as an Executive member);
 - b. to promote the role of the authority's Scrutiny Committees;
 - c. to make reports and recommendations to Council in respect of the number and grades of staff required to discharge democratic services functions and the appointment, organisation and proper management of those staff; and
 - d. any other functions prescribed by the Welsh Ministers.
9. In considering its Work Programme, the Committee should have regard to its statutory terms of reference and available resources.

Financial Implications

10. There are no financial implications directly arising from this report. In the implementation and delivery of the Democratic Services Committee Forward Work Programme any costs will need to be identified and found within existing financial resources.

RECOMMENDATION

11. It is recommended that the Democratic Services Committee considers the proposed Work Programme appended as **Appendix A** to this report and identifies any additional topics for consideration at future meetings of the committee.

G JONES
HEAD OF DEMOCRATIC SERVICES
7 November 2023

APPENDIX A - Proposed Work Programme

Background Papers: None

PROPOSED WORK PROGRAMME 2023-24

| Meeting date | Item | Aim | Additional Invitees |
|--------------|--|--|---------------------|
| 22 Jan 2024 | Democratic Services – Activities & Service Support | To receive an update on the performance and services provided by Democratic Services | |
| 22 Jan 2024 | Democratic Services Draft Annual Report (Draft) | To receive the initial draft of the Democratic Services Committee Annual Report | |
| 22 Jan 2024 | Elected Member Research Protocol | To receive the draft Elected Members Research Protocol for consideration which will support the statutory guidance on this topic | |
| 22 Jan 2024 | Elected Member Survey | To consider Democratic Services proposals for an Elected Member Survey to be undertaken in 2024. | |
| 22 Jan 2024 | Forward Work Programme | To receive a report proposing items for consideration at a subsequent meeting of the Democratic Services Committee | |

| Meeting date | Item | Aim | Additional Invitees |
|----------------------|--|--|---------------------|
| 25 Mar 2024 (TBC) | Democratic Services – Activities & Service Support | To receive an update on the performance and services provided by Democratic Services | |
| 25 Mar 2024 (TBC) | The Annual Review Process | To provide an updated process for Elected Members who wish to have an Annual Review for their personal Development | |
| 25 Mar 2024 (TBC) | Member's ICT Protocol | To receive an update of the Members ICT Protocol which will identify the relevant processes and procedures for Elected Members when using the Council's and other ICT facilities | Head of ICT |
| 25 Mar 2024 (TBC) | Review of the Elected Member Learning and Development Strategy | To update the Elected Member Learning and Development Strategy for submission to council for approval | |
| 25 Mar 2024 (TBC) | Forward Work Programme | To receive a report proposing items for consideration at a subsequent meeting of the Democratic Services Committee | |